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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1995

Republic of Moldova

[5 February 2001]

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PART ONE

I. GENERAL DATA

1. In accordance with the provisions of article 44, paragraph 1 (a) and (b) of the Convention on the Rights of the Child and the guidelines regarding the form and substance of States parties' initial reports, the present combined report on the steps taken by the Republic of Moldova to implement the Convention and on the progress accomplished between 1993 and 2000 is submitted to the Committee on the Rights of the Child.

2. The Republic of Moldova ratified the Convention on the Rights of the Child of 12 December 1990, through Parliamentary Decision No. 408-XIII on 25 February 1993.

Official name of the country: Republic of Moldova;

Geographic position: The Republic of Moldova is situated in the south-east of Europe, between Romania and Ukraine, in the basin of the Prut and Nistru Rivers;

Area: 33,800 sq. km.;

Population: 4,320 000 (on 1 January 1997);

Population density: 128 inhabitants/km2;

Capital: Chişinău City (approximately 780,000 inhabitants);

National day: Independence Day (27 August);

The State banner: Three vertical, equal stripes, in red, yellow and blue, with the Republic of Moldova arms in the middle;

Form of government: Parliamentary Republic;

National Legislative-Unichamber Parliament, composed of 101 members, directly elected through proportional representation;

Head of State: President;

Administrative divisions: 10 counties, 4 cities (Chişinău, Bălţi, Tiraspol, Bender), 51 towns and 662 villages;

Date of admittance to the United Nations: 2 March 1992.

Distribution of the population

Urban area: 46 per cent;

Rural area: 54 per cent.

Table 1

Urban population (% of the total)			Rate of population increase	
1960	1997	2000	1960-1997	1997-2000
23	46	46	2.95	-0.35

External debt: US$ 1.3 billion in 1998;

External debt administrated by the Government on 1 April 2000: 749.9 million lei;

1999 IGP was 12,204 million Moldovan lei, constituting approximately 95.6 per cent (in comparative prices) compared to the year 1998;

The unemployment rate was 11.5 per cent in 1999 (according to the classification of the International Labour Organization). The economically active population constituted 49.6 per cent of the total population of the country. The employed population constituted 43.9 per cent of the total population and 59.8 per cent of the population over the age of 15. There were 35,000 unemployed people officially registered on 1 January 2000.;

Inflation rate: 18.3 per cent in 1998;

Percentage of the population attending school: 71 per cent;

Adult education rate: 96.4 per cent;

Infantile mortality rate: for 1998 - 17.8 per 1,000 new born babies;
for 1999 - 18.2 per 1,000 new born babies;

Infantile mortality rate in urban and rural localities.

Table 2. Infantile morality rate for 1998

	Rural localities %	Urban localities %	Country average %
Total	64.4	35.6	100
0-6 days	20.6	18.4	39.0
7-28 days	8.1	7.0	15.0
28 days-3 months	14.5	4.6	19.1
3-6 months	12.3	3.7	15.8
6-12 months	8.9	1.9	11.1

Source: Ministry of Labour, Social Protection and the Family.

3. In the Republic of Moldova, maternal mortality is higher than the European Community parameters and in 1995 it was 40.8 per 100,000 new-born babies. The high rate of maternal mortality is due, to a great extent, to unsatisfactory living conditions, generated mainly by the sharp economic crisis the country has been going through, beginning in 1991. In this context, the level of sanitary education among the population decreased, as also did the possibilities of antenatal diagnosis and treatment of complications during pregnancy, as well as the standard of equipment, including modern medical equipment for intensive care.

The maternal mortality rate was 36.3 per 100,000 new-born children in 1998 and 28.3 per 100,000 new-born children in 1999;

Number of children up to 15 years of age: 973,102 (on 1 January 1999);

Number of people over 65 years of age: 341,700 (on 1 January 1999).

Human development indicators

Table 3

Life expectancy at birth (years)	Adult literacy rate (%)	Gross enrolment ratio - all levels of education (%)	GNP per capita ($ PPP)	Life expectancy index	Education indicator	GDP	Human development index
1998	1998	1998	1998	1998	1998	1998	1998
67.0	96.4	73.4	2 042	0.700	0.887	0.503	0.697

Note: The human development indicators consist of three basic elements: life expectancy, education level and living standards. Level of education is calculated as an arithmetic average weighted between the eradication of adult literacy rate (with a two-thirds share) and the gross enrolment rate at all levels of education (with a one-third share). GDP per capita, calculated by purchasing power parity (PPP) in United States dollars is used as a measure of living standards. Each component of table 3 is compared to fixed maximum and minimum values established by the United Nations Development Programme, as follows: 25 and 85 years respectively for life expectancy; 0 and 100 per cent for literacy rate; 0 and 100 per cent for the enrolment rate at all levels of education; 100 and 40,000 United States dollars for GDP per capita. For the first three components, the difference between the maximum value and the minimum one results in an index, as follows:

Life expectancy index: (67.0-25)/(85-25) = 0.700;

Literacy rate indicator: (96.4-0.0)/(100.0-0.0) = 0.964;

Enrolment rate at all levels of education indicator: (73.4-0.0)/(100.0-0.0) = 0.734;

Education level indicator, calculated from the two previous indicators: (2 x 0.964 + 0.734)/3 = 0.887;

GDP per capita: (log2042 - log100)/(log40000 - log100) = 0.503;

Human development index, calculated as an average of the three basic elements, which are given equal shares: (0.700 + 0.887 + 0.503)/3 = 0.697.

Table 4. Human development - general data

Life expectancy at birth (years)	Population having access to:			Daily consumption of calories per capita	Adult literacy level rate of illiteracy (%)	Gross enrolment ratio - all levels of education (%)	Publications (copies/ person)	Television sets (per 100 persons)	IGP/ inhabitant (PPP)	GDP per capita (US$)
	Medical services (%)	Potable water (%)	Sanitary facilities* (%)							
1998	1998	1998	1998	1998	1989	1998	1998	1998	1997	1997
67.0	100	51.9	46.0	1 775	96.4	73.4	136	15	2 207	545

* Access to running water.

Table 5. Demographic profile

Population (millions)			Annual population increase rate (%)		Rural population (% of the total)	Overall birth rate	Overall mortality rate	Overall fertility rate	Rate of use of any contraceptive methods (%)
1960	1998	2000	1960-1998	1998-2000	1998	1998	1998	1997	1998
3.0	4.3	4.3	0.85	(-)0.45	54	10.9	11.1	1.67	27*

* Including women registered as using intrauterine and oral contraceptive methods; per cent of women between 15 and 49 years of age.

Table 6. Human development indicators

Life expectancy at birth (years)		Infant mortality rate (per thousand live births)		Adult literacy rate (%)	Enrolment rate - all levels of education (%) for the population between 7 and 22 years of age	Number of adult illiterates (15 years old and over) millions	Number of illiterate women (15 years old and over), millions	Number of children who do not attend primary school, thousands	Number of deceased children under the age of 5 thousands
1959	1998	1960	1998	1989	1998	1989	1998	1998	1998
68.1	67.0	48.2	17.8	96.4	71	0.1	0.09	11.0	1.1

Table 7. Children survival and development

Pregnant women between 15 and 49 years of age suffering from anaemia (%)	New-born babies weighing less than the acceptable norm at birth (%)	Maternal mortality parameter (per 100,000 live-born infants)	Infant mortality parameter (per 1,000 live-born infants)	Parameter of mortality of children up to 5 years of age (per 1,000 live-born infants)	Mothers breast-feeding children up to the age of 6 months (%)
1998	1998	1998	1998	1998	1998
48	5	36.3	17.8	23.5	66

Source for tables 3-7: United Nations Development Programme in the Republic of Moldova - 1999 Report.

Main demographic parameters

	1990	1995	1996	1997	1998
Total population	4 366.3	4 334.4	4 320 0	4 304.7	4 293.0
Males (thousands)	2 082.0	2 071.0	2 064.5	2 057.5	2 052.0
% of the total number	47.7	47.8	47.8	47.8	47.8
Urban population (thousands)	2 073.6	2 004.1	1 995.3	1 987.3	1 976.0
% of the total population	47.5	46.2	46.2	46.2	46.0
Structure of the population according to age:					
Under the employment age (%)	29.7	28.6	28.2	27.6	27.4
Of employment age (%)	54.9	55.6	56.0	56.4	56.5
Of retirement age (60 for women; 65 for men)	15.4	15.8	15.8	16.0	16.1

	1990	1995	1996	1997	1998
Rate of natural increase of the population	8.0	0.8	0.5	0.0	-0.2
Birth rate	17.7	13.0	12.0	11.9	10.9
Mortality rate	9.7	12.2	11.5	11.9	11.1
Marriage rate	9.4	7.5	6.0	6.1	6.0
Divorce rate	3.0	3.4	3.1	3.1	3.0
Infant mortality rate (per 1,000 live births)	19.0	21.2	20.2	19.9	17.8

Table 8. Population aged 60 years or over (thousands)

Year	Age group				
	60-64 years	65-69 years	70-74 years	75-79 years	80 years and over
1959	81.4 (36.6%)	56.9 (25.6%)		84.2	
1970	119.8 (34.5%)	98.4 (28.4%)		128.5	
1979	125.0 (29.3%)	127.6 (29.9%)		173.8	
1989	194.0 (35.5%)	143.8 (26.3%)		208.8	
1992	196.0 (34.9%)	151.0 (26.1%)		214.0	
1993	192.8 (33.9%)	155.2 (27.3%)	105.1 (18.5%)	57.7 (10.1%)	56.9 (10.0%)
1994	183.6 (32.4%)	160.2 (28.2%)	111.5 (19.6%)	55.1 (9.7%)	56.7 (10.0%)
1995	177.6 (31.3%)	162.9 (28.7%)	114.9 (20.2%)	53.5 (9.4%)	57.9 (10.2%)
1996	176.9 (31.2%)	162.3 (28.6%)	116.3 (20.5%)	57.6 (10.1%)	54.6 (9.6%)
1997	179.4 (31.4%)	161.8 (28.3%)	115.7 (20.2%)	64.1 (11.2%)	50.9 (8.9%)
1998	151,9 (30.9%)	136.1 (27.7%)	100.5 20.5%)	60.2 (12.3%)	42.5 (8.7%)

Source: Ministry of Labour, Social Protection and the Family.

4. From table 8, a constant increase in the inactive population can be noted in the period 1959-1989, a stagnation of this indicator in the period 1989-1997 and a sudden decrease beginning in 1997/1998. This fact can be explained, to a great extent, by the profound economic crisis the country was going through after the Transnistrian conflict of 1992, aggravated by the Eastern markets crisis after 1997. In this context, we need to mention that an increase in real unemployment and labour force migration, have made the burden of social protection systems borne by the economy even heavier. Compared to 1991, when the economic reform started, the coefficient of the demographic burden grew 1.46 times. This also affects the capacity for the social protection of children.

II. POLITICAL STRUCTURE AND GENERAL LEGISLATIVE SYSTEM IN WHICH HUMAN RIGHTS ARE PROTECTED

A. Brief history. General presentation

5. The Republic of Moldova, as a sovereign and independent State, entered the international arena after the disintegration of the USSR by adopting the Declaration of Sovereignty of the Soviet Socialist Moldovan Republic on 23 June 1990 and the Declaration of Independence of the Republic of Moldova on 27 August 1991.

6. As part of the USSR, Soviet Moldova witnessed the horrors of political genocide, manifested through mass deportations, systematically organized starvation and forced denationalization. The Russian language was imposed as the official language.

7. In the past decade, political and cultural activities were carried out in the Republic of Moldova for the democratization of social and political life and for the emancipation of the population.

8. The Republic of Moldova adopted a series of laws, as follows: Law on the Return of the Moldovan Language to the Latin Writing Method (31 August 1989); Parliamentary Decision "On the Approval of the Regulation regarding the State Flag of the Moldovan Soviet Socialist Republic"; Law on the State Anthem of the Republic of Moldova. It instituted the position of President of the country (3 September 1990); it selected the ancient symbols - the eagle and the auroch's head - as the State escutcheon, (3 November 1990); and it changed the name of the country - from the Moldovan Soviet Socialist Republic to the Republic of Moldova (23 May 1991). So far, the Republic of Moldova has established diplomatic relations with about 140 States.

9. At the same time, the process of State consolidation was seriously affected by the separatist actions of some forces in the Eastern part of the country. For centuries, the population had a multinational component, a part of which (Gagauz and Bulgarians - about 3.2 per cent) is concentrated in the south of the country. In order to prevent the egression of the Republic of Moldova from the Soviet space, the union centre decided to use national separatism as a means of blackmail. The coordinated policy of the separatist leaders in the districts on the left bank of the Nistru River of Bender town and the Gagauz region was aimed against the constitution of a new unitary and independent State. It had as its purpose the preservation of the old ideological, political and economic orientations. Consequently, on 2 September 1990, in Parcani village, a

meeting of a group of deputies of the eastern districts of the Republic of Moldova (Transnistria) proclaimed itself a congress and proclaimed the constitution of "The Moldovan Soviet Socialist Republic of Transnistria, a component part of the USSR". The majority of the 64 deputies who represented the eastern districts and Bender town in the Parliament also participated in that congress.

10. Through this act, the political fight for the sovereignty of the Republic of Moldova was taken out of the legal, constitutional context. As a result, the initiative was taken by those political forces in Transnistria which, in order to accomplish their goals, used tougher and tougher methods belonging to a totalitarian regime arsenal.

11. More and more of the 64 deputies, either on their own initiative, or under pressure from the Transnistrian extremist forces, did not participate in the working meetings of the Parliament of Moldova. Political extremism started to dominate Transnistria, becoming the norm, to the prejudice of pluralism of opinion and dialogue.

12. As a consequence of the application of anti-constitutional political procedures, to a great extent determined and favoured by Moscow political forces, who pleaded in favour of maintaining the Soviet Union, the premise for the violation of fundamental human rights appeared in the eastern districts of the Republic of Moldova.

13. Currently, in the Republic of Moldova, there is a clearly defined tendency to create the mechanisms and key factors for the implementation of a system of promotion and respect of human rights, which is particularly based on international legal instruments. Title II of the Constitution of the Republic of Moldova is devoted to human rights and their importance, and is entitled "Fundamental rights, liberties and duties".

14. Reform of the national legal system together with reform of the judiciary, started in the Republic of Moldova as soon as State independence was obtained, in January 1993. The subsequent adoption of several laws and the introduction of changes to the Criminal Procedure Code and the Criminal Code offered the Republic of Moldova the opportunity to get closer to international standards, especially to the European ones.

15. Several drafts of the Constitution were examined by the European Commission for Legal Democracy (Venice Commission), and the text of the new Constitution, which was adopted on 29 July 1994, follows, to a great extent, the expert's comments. The contribution of international experts was important; the specifications and corrections they made resulted in a modern Constitution, in conformity with the conditions for guaranteeing a legal system that corresponds to the current exigencies in the field of human rights guarantee.

16. Article 1 stipulates that the Republic of Moldova is a democratic State governed by the rule of law, in which human dignity, human rights and liberties, free development of the human personality, justice and political pluralism are guaranteed and represent supreme values.

17. "Democracy in the Republic of Moldova will be exercised in terms of political pluralism, which is incompatible with dictatorship and totalitarianism, and no ideology can be instituted as the State official ideology." (art. 5)

18. Unity of the people constitutes the fundament of the State, which is "the common and indivisible homeland of all its citizens". (art. 10)

19. Constitutional provisions regarding human rights and liberties are interpreted and applied in conformity with the Universal Declaration of Human Rights, with other pacts and treaties to which the Republic of Moldova is a party. (art. 4, sect. 1)

20. The Constitution regulates issues regarding economic relations in society in accordance with the new principles, ensures the right to property, and provides that property may not be used to the detriment of human rights, liberties and dignity. (art. 9)

21. In summary, the main provisions contained in the Constitution are: political pluralism, separation of and collaboration among the legislative, executive and judicial powers, and the right of all citizens to protection and to develop and express their ethnic, cultural, linguistic and religious identity. Constitutional law is the one that has the task of determining the way of applying international treaties in the domestic legal system.

22. Taking into account the importance of respecting fundamental rights and liberties and human rights, the legislator emphasized the supremacy of international law and of human rights and, in article 8 of the Constitution, the Republic of Moldova pledges itself to respect the Charter of the United Nations and international treaties to which it is a party.

23. The principle of the priority of international documents was recognized also by the Supreme Court of Justice, which, after studying the practice of applying these constitutional provisions, adopted Decision No. 2 on 30 January 1996, "On the Courts of Law Practice in Applying some Constitutional Provisions", in accordance with which, "in cases when domestic legislation runs counter to international documents, provisions of the international document to which the Republic of Moldova is a party, will be applied".

24. Following the constitutional provisions, most of the legislative documents of the Republic of Moldova stipulate the supremacy of international law: the Civil Code, the Civil Procedure Code, the Criminal Code, the Criminal Procedure Code, the Marriage and Family Code, etc.

25. A special role is given in this field to the Constitutional Court, which, on notification, examines the constitutionality of international treaties to which Moldova is a party. In this context, it should be mentioned that the Constitutional Court applies the provisions of article 4, section 2 of the Constitution, which stipulates: "If there are contradictions between pacts and treaties to which the Republic of Moldova is a party and its domestic laws regarding fundamental human rights, international regulations will have priority."

26. Rights and liberties contained in the Constitution of the Republic of Moldova reproduce, to a great extent, the rights proclaimed in the Universal Declaration of Human Rights and in the European Convention on Human Rights. The Constitution reiterates: "in conformity with the Universal Declaration of Human Rights, the ideal of free human beings, enjoying civil and

political liberties and released from fear and poverty, cannot be accomplished unless conditions which allow any person to enjoy his civil and political rights, as well as his economic, social and cultural rights, are created".

27. Economic, social and political rights constitute the fundament for the multilateral and plenary development of a human being. They are not less important than civil and political rights, but their exercise depends on the resources the society has. This does not mean that the State has no responsibility for guaranteeing them by progressively ensuring their exercise. For this reason, we consider that it is necessary for international bodies to lay stress on the right to development. The notion of development itself needs to be enriched, made more complex.

28. Non-abusive application of these provisions was included among the commitments made by the Republic of Moldova at the moment of its adhesion, as a member with full rights, to the Council of Europe: the national authorities assumed responsibility for ensuring that restrictions on the exercise of certain rights or liberties and the exercise of rights and obligations provided in articles 54 and 55 of the Constitution of the Republic of Moldova would be applied only in cases strictly specified by law, in special situations, such as the defence of national security or order, and the prevention of calamities, catastrophes, etc. In such cases, restrictions need to be proportional to the situation that determined them, and cannot touch the existence of those rights or liberties (art. 54 (2) of the Constitution).

29. In the case that provisions of the legislation dealing with fundamental human rights are in contradiction with the Constitution or with international conventions on human rights, the courts will directly apply the provisions of the latter documents.

30. Returning to these provisions, we need to mention that the Universal Declaration of Human Rights, the two International Covenants on Human Rights and the European Convention on Human Rights admit, under certain circumstances, the existence of certain limitations and restrictions, which are not specified separately, but are formulated with certain rights and liberties, depending on their content. Hence, it results that they can exist if they are provided for by the law, that they are necessary in a democratic society for protecting national security, public order, public health and morals, the rights and liberties of others, etc., and they need to be proportionate with the cause that gave rise to them.

31. According to article 15 of the Constitution, in the Republic of Moldova, citizens of the country as well as foreign and stateless citizens, who have the same rights and responsibilities as the citizens of the Republic of Moldova, with exceptions provided by law (art. 19), are recognized as holders of constitutional rights, liberties and responsibilities.

32. When the States adhered to the International Covenants on civil and political rights, and on economic, social and cultural rights, of 1996, they pledged themselves to respect and guarantee the rights recognized by the Covenants *to all individuals living in their territory, and who are under their jurisdiction*, with no discrimination based on race, sex, language, political or other kind of opinion, national or social origin, welfare, birth, or any other criterion (article 2.2 of the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1996, New York).

33. From the moment of adhesion to the European Convention on Human Rights, in accordance with article 1, the signatory parties "shall secure to everyone within their jurisdiction" the rights and liberties recognized in the Convention. This principle is equally valid for rights and liberties recognized in Protocol Nos. 1, 4, 6 and 7. The Republic of Moldova, like all States parties to the Convention, recognizes these rights not only to its citizens, but also to the citizens of other signatory States and nationals of States which are not a party to the Convention, as well as to stateless people (European Commission for Human Rights, Decision No. 788/60, of 11 January 1961).

34. The general rule formulated in article 29 of the Vienna Convention on the Law of Treaties (1969) stipulates that an international treaty is binding upon each party in respect of its entire territory. Taking into account that the European Convention on Human Rights sets forth that the signatory parties need to recognize rights and liberties to all individuals "within their jurisdiction", it results that a State, as is the case of the Republic of Moldova, cannot be responsible for violations of human rights committed in a territory over which that State does not exercise real jurisdiction. Article 63 of the Convention allows the exclusion of a certain portion of the signatory State from the application of the Convention.

35. Taking into account the situation in the territory on the left bank of the Nistru River (eastern region of the Republic of Moldova), the Parliament of the Republic of Moldova, at the moment of ratifying the European Convention on Human Rights, considered that it was necessary to formulate a declaration to the effect that the Republic of Moldova denied any responsibility for acts committed in the territory of the self-proclaimed Nistrian Republic and would maintain that position until the final solution of the conflict in that region.

36. The World Conference on Human Rights, held in Vienna in 1993, pronounced in favour of creating and consolidating human rights institutions. In documents adopted by the Conference, it is mentioned that each State is entitled to institute those structures which will fully correspond to its needs.

37. In the past two years, the legislative and executive authorities of the Republic of Moldova have paid special attention to issues relating both to the respect of constitutional human rights and liberties, and to their protection by the State, in cases of violation. We can certainly state that the legal and judicial reform carried out in the country has been aimed first of all at perfecting the court protection of human rights.

38. This is confirmed by the change in the judiciary structures and in the way of constituting them and in the prosecutor's role and functions. Also, a new Law on Notaries was adopted, and a new law on advocacy is being drafted.

39. In the Parliaments of the last and the last but one legislature, the Commission for Human Rights, Minorities and Religion worked together with other permanent commissions.

40. Since 1991, the Department for International Relations and Languages Functioning has been working within the Government. The basic functions of this department are: dissemination of experience gained in implementing legislation for the accomplishment of State policy in the field of national minorities; coordination, together with the Parliamentary Commission for

Human Rights, Religion and National Minorities and with central and local public authorities, of the activity of creating conditions for the satisfaction of the ethnic minorities' needs in the field of education, culture, language and traditions. The Department drafts and submits to the Government proposals for improving the socio-political situation of the country, supports the implementation of cultural and educational programmes for Moldovans living outside the Republic of Moldova and provides assistance to the latter in establishing and developing connections with their historical homeland.

41. In the spring of 1996, the 2nd International Conference of Ombudsmen and Human Rights Institutions was held at Chişinău, during which problems encountered in creating institutions for the protection of human rights in various countries were discussed. The fact that such a prestigious forum was held in the Republic of Moldova speeded up the elaboration of a draft law on the institution of human rights protection in our country. In the elaboration of the draft law regarding human rights defenders, the experience of several European countries in the field was taken into consideration.

42. In October 1997, the Parliament adopted the Law on Ombudsmen. In conformity with this law, the Parliament appointed three Ombudsmen who, together with their staff, constitute an independent legal institution, the Centre for Human Rights, which can have affiliates in various localities of the country. Ombudsmen activity is oriented towards ensuring guarantees for the respect of constitutional rights and liberties by the central and local public administration bodies, by institutions, organizations and companies with different forms of property, as well as by non-governmental organizations.

43. The Ombudsmen contribute to the rehabilitation of citizens, to the improvement of legislation in the field of respect for human rights and to the improvement of the legal education of the population. In their activities, they follow the Constitution and other laws of the Republic of Moldova, the Universal Declaration of Human Rights and other international instruments to which the Republic of Moldova is a party.

44. The Ombudsmen examine petitions addressed by citizens of the Republic of Moldova, by foreign citizens who live temporarily or permanently in the country, as well as by stateless persons, regarding the violation of their legitimate rights and interests in the Republic of Moldova.

45. The Ombudsmen can start, on their own initiative, examining identified cases of violation of human rights and liberties. If violation of the plaintiff's rights is established, the Ombudsman will submit his conclusion to the appropriate decision-making body or factor, with recommendations regarding the immediate rehabilitation of the plaintiff. Also, he can address the court, asking for the defence of the citizen's rights.

46. On the basis of the conclusion written after the examination of citizens' petitions, the Ombudsman can submit to Parliament his proposal for improving the current legislation in the field of protecting human rights and liberties. If serious violations of constitutional rights and liberties were identified, he has the right to present a report in Parliament and to recommend the constitution of a parliamentary commission to examine these cases.

47. The Ombudsmen have the right to address the Constitutional Court and to request monitoring of the constitutionality of the normative documents adopted by the Parliament or by the Government, through the prism of their accordance with general principles and international instruments regarding human rights.

48. Every year, the Centre for Human Rights submits a report to Parliament on the respect of human rights in the Republic of Moldova. The report refers to the areas of social relations in which the most serious violations of human rights and liberties were identified, to their causes, as well as to measures taken for their elimination, to improving legislation and to the legal education of the population. The report is made known to citizens by its publication in the *Oficial Monitor* of the Republic of Moldova.

49. In accordance with article 39 of the Law on Ombudsmen, an Expert Council, composed of specialists in the field of constitutional human rights and liberties was created within the Centre for Human Rights, for the purpose of providing consulting assistance. The Council elaborates recommendations to improve drafts of legislation in the field of human rights and to harmonize it with international legal instruments ratified by the Republic of Moldova, drafts and initiates projects of collaboration with international organizations acting to protect human rights, working closely with the mass media and non-governmental organizations. In conformity with the above-mentioned Law, affiliates of the Centre were opened in Balti and Comrat town.

50. The Centre for Human Rights of Moldova has paid special attention to the protection and promotion of children's rights. On the basis of petitions addressed to the Centre, materials published in the mass media, communications from lawyers, doctors, teachers, scientists, public officers, analysts and representatives of non-governmental organizations, the Ombudsmen have submitted concrete proposals for the improvement of the situation to the Parliament, the President and the Government.

51. As a result, a series of steps have been taken regarding the effective monitoring of national legislation and its adjustment to the requirements of the international legal instruments to which the Republic of Moldova is a party; the elaboration of State programmes and the adoption of normative documents referring to the satisfaction of children's vital needs, among which we can mention: the National Programme for Genetic-Medical Assistance Improvement, the National "Child Nourishment" Programme, the Programme for Education Development and a series of draft laws, such as on the minimum living requirements, on the State social facilities, on the State allowance for children and social assistance for invalid children, etc.

52. Currently, the National Strategic Plan for the Salvation of the Young Generation is being drafted. It contains several subprogrammes: training in the field of human rights; recovery and integration of homeless children; deinstitutionalization of orphan children; inclusion of all children in the education system; employment for young people.

53. For the purpose of fulfilling its obligations as a party to United Nations conventions and to other international conventions on human rights, a National Commission for Social Problems, headed by one of the vice-Prime Ministers, was constituted. This Commission has as an objective the elaboration of the initial and periodic reports of the Republic of Moldova under the United Nations conventions and other international conventions on human rights and their

submission to the authorized international institutions. Also, the Commission has the task of coordinating activities for the legal education and training of the population in the field of human rights.

54. Regarding this we inform the Committee on the Rights of the Child that the above-mentioned Commission does not receive any funding from external sources. In the context of the serious economic crisis our country is going through, at this stage of transition to a market economy, the financial support of international bodies for such activities would contribute largely to the effectiveness of the implementation of international conventions and of the reporting process, and it would be highly appreciated by the Government of the Republic of Moldova.

55. We need also to mention that, on 18 June 1998, the first National Conference for Human Rights was held in Chişinău, under the aegis of the Ministry of Foreign Affairs of the Republic of Moldova, the National Centre for Human Rights and the Chişinău office of the United Nations Development Programme. Representatives of State institutions (the Government, Parliament and the President's Office), non-governmental organizations, universities and international organizations, as well as representatives of diplomatic missions accredited in Chişinău participated in the Conference. Within the four working groups of the Conference, the national report of the Republic of Moldova, "Human rights: for a sustainable development", was concluded and was afterwards presented to the regional human rights conference held in Yalta (Ukraine) from 1 to 4 September 1998.

B. Information and publicity

1. General aspects

56. In the Republic of Moldova there is a diverse and plural information market, in conformity with the role and position that the mass media should have in a State in which the rule of law prevails.

57. The press, television and radio are the main beneficiaries of the right to information. Their public functions impose obligations on the mass media, which have the duty to make sure that the State accomplishes its duty to honour and guarantee respect for fundamental human rights and liberties.

58. The right of citizens to be informed and to have free access to and use of public information is indispensable in a country with democratic ideals. Citizens of the Republic of Moldova do not today feel as isolated and manipulated as they were during the Soviet regime.

59. The right to information is a fundamental right, which conditions social, economic and political efficiency, and determines it in the exercise of the liberties provided by the Constitution, including the liberty of thinking, opinion, creation, public expression, speech, image or any other way. This presupposes also the possibility of receiving information on social, political, economic, scientific, cultural life, etc.

60. One cannot consider the mass media and access to information separately, but only in the general context of the citizen's access to public interest information. Formulas such as "*free access to information*" or "*the right to information*" are penetrating the citizen's conscience more and more clearly.

61. We must also admit that, in the Republic of Moldova, certain segments of society are not sufficiently emancipated to insist on obtaining public information or on using such information for the purpose of intervening in public activities on which their existence depends. In a process of permanent change, the capability of the society to control State institutions depends on the extent to which public opinion is aware of the substance of their activity and of their decisions, and has been increasing since the Declaration of Independence.

62. In the period since the ratification of the Convention on the Rights of the Child, concrete steps were taken to improve knowledge of human rights, in which State bodies, especially the Government of the Republic of Moldova, made a great contribution.

63. The Government of the Republic of Moldova, in collaboration with UNICEF, published in 1997 the "Mother and child situation" report, and this year the second "Family and child situation" report will be published.

Convention on the Rights of the Child was published in Chişinău in 1994, with the support of the UNICEF representative in the Republic of Moldova, the SOROS Foundation and Save the Children International;

The Centre for Human Rights of the Republic of Moldova has, among its other objectives, the dissemination of information and training of the population in the field of human rights. For this purpose pamphlets and brochures entitled "Child rights: against abuse" were published;

Also, with the support of Save the Children International, separate brochures entitled "Rights of children between the age of 5 and 8" and "Rights of children between the age of 9 and 12" were published in 1998;

The texts of other conventions and human rights treaties to which the Republic of Moldova is a party have been published. A complete collection of these treaties and conventions was issued by the Ministry of Justice and the Ministry of Foreign Affairs in coordination with the Law Centre of Moldova.

64. The abolition of the absolute doctrine, which dominated the mass conscience all during the period of Communist dictatorship, according to which the State was regarded as a "donor" and not as a "protector" of human rights, is of great significance.

65. Accurate, detailed and accessible information on trends and realities in the modern informational society, characteristic of all consolidated democracies, cannot but be welcomed by the whole society. Currently, one can certainly state that the Republic of Moldova includes

itself, more and more determinedly, in a space focused on the principles of free provision, circulation, receiving of and access to information, on condition that other fundamental values are respected.

66. Unfortunately, in the eastern region of the Republic of Moldova, controlled by the Tiraspol separatist regime, the functioning of the mass media differs essentially from in the rest of the territory. Freedom of expression and access to information are more precarious. The anti-constitutional authorities of this region largely suppress the mass media, which are inconvenient for the policy of the separatist regime. There is no political party or newspaper to oppose the regime in this region. The circulation rate of national publications is very low. Free circulation of information will be possible in this region when the Transnistrian conflict is definitively solved, the Russian Federation withdraws its troops and weapons, and our State independence and sovereignty is consolidated.

2. The existing legal background and its evolution

67. On 11 February 1999, the Parliament of the Republic of Moldova adopted Decision No. 277-XIV "On the concept of State support and promotion of the mass media in the period 1999-2003", submitted as a draft by the Union of Journalists of the Republic of Moldova. It was considered a step forward in the realization of the State's intention to consolidate the liberty and independence of the press in the country.

68. According to the "Legislation" section of the above-mentioned decision, the Parliament, by mutual agreement with the Government and civil society, including the Union of Journalists, is called upon to draft and adopt a set of normative documents orientated to promote a basic national policy in the field.

69. Currently, the Law of the Press, which was enforced in 1995, is being re-examined in the Parliament. Also, the Law on Access to Information and the Law on Foundations have been adopted at first reading.

70. As for the Law on the Organization and Functioning of Television in the Republic of Moldova, its draft is already being discussed in the Parliament. In its turn, the Law on the Audio-Video Public Institution will be included as a separate section of the above-mentioned law.

3. Access to accurate information

71. In accordance with the provisions of the Constitution, the right of an individual to have access to any public interest information cannot be limited. Public authorities, according to their competence, have the obligation to assure accurate information of the citizens on matters of public and private interest. The mass media have the obligation to assure the public correct and accurate information. However, the right to information must not prejudice measures for the protection of children or national security.

The mass media

72. For the purpose of protecting children against the negative influence of certain information or materials broadcast on television, special provisions are contained in the Decision of the Coordinating Council of Audio-Video, on publicity addressed to children. According to this decision, prejudice to the interests of children must be avoided and their sensitivity permanently taken into account, through respect of the following rules:

Not to recommend that children purchase a product, request a service or practise an activity, taking advantage of their lack of experience and credulity;

Not to encourage children to convince their parents or other persons to purchase the respective goods or services for them;

Not to exploit children's trust in their parents, their teachers or other people;

Not to present, without a well-grounded reason, children in dangerous situations or situations on the verge of vulgarity.

73. To these special provisions on publicity addressed to children, other provisions are added which stipulate the following general aspects that publicity must not contain, aspects that have an impact also on children, in the context of their protection and of ensuring an appropriate environment for their harmonious development:

It must not contain obscene scenes, against morals;

It must not prejudice a person's dignity, honour or private life;

It must not incite to violence or national, racist, social or religious hatred, and must not include discrimination based on race, sex or nationality;

It must not stimulate behaviour that could prejudice health and safety;

It must not encourage behaviour that could prejudice the environment.

74. The same aspect of children protection is primarily taken into account in the advertising of certain goods, such as tobacco products, liquor, drugs and medical treatments, as well as films and performances forbidden to children. Some of the main regulations concerning these issues are:

Advertising of tobacco products is not allowed;

Advertising of liquor of any kind must not be addressed especially to children and no minor person must be associated with advertising liquor;

During the peak audience hours, advertising of alcoholic drinks is allowed, on condition that it is not accompanied by drinking gestures, but it cannot be broadcast during shows for children and sports games;

Advertising of drugs and medical treatments that cannot be obtained without a prescription is not allowed;

Broadcast advertising of movies and performances forbidden to children, as well of movies containing shocking or extremely violent scenes is not allowed.

PART TWO

III. GENERAL MEASURES FOR THE IMPLEMENTATION OF THE CONVENTION

A. Legal framework

75. Adjusting the national legal framework to the Convention on the Rights of the Child was initiated in the Republic of Moldova through the drafting of a set of normative texts:

Law No. 338-XII on Child Rights, of 12 December 1994;

Law No. 499-XII on the State Social Pension for Certain Categories of Citizens, of 14 July 1999;

Decisions of the Government of the Republic of Moldova:

No. 571, of 2 September 1992, approving a programme of measures with a view to improving the situation of women, and mother and child protection;

No. 749, of 29 November 1993, on the Committee for Adoption of the Republic of Moldova;

No. 764, of 8 December 1993, approving a programme for organizing the International Year of the Family in the Republic of Moldova;

No. 62, of 3 February 1994, on adoption of children by foreign citizens;

No. 679, of 6 October 1995, approving a State programme concerning the assurance of children's rights;

No. 456, of 15 May 1997, on additional social protection measures for families with many children;

No. 42, of 25 January 1999, modifying Government Decision No. 198 of April 1993;

No. 395, of 21 April 2000, approving the programme of activity for the Year of the Child.

76. At the moment, a series of normative texts are being drafted with the purpose of improving the legislation on children rights. They are to be submitted for approval to the Government and the Parliament. Among them, the Law on the Protection of Children in Difficult Situations and the Law on State Pensions for Families with Many Children should be mentioned, as well as a series of amendments provided for in the new Family Code, which at present is being examined by the Parliament.

B. Institutional framework

77. In the period under review, steps were taken to establish an institutional framework which will allow the implementation of the relevant legislation and the improvement of the situation of children in the Republic of Moldova:

(i) The Committee for the Adoption of the Republic of Moldova was constituted in 1993;

(ii) The Sector for Family, Woman and Child Protection was created in 1997, within the State Chancery;

(iii) The Direction for Family Policy and Equal Opportunities was created within the Ministry of Labour, Social Protection and the Family, in 1998;

(iv) The National Council for Child Rights Protection - an inter-ministerial body authorized to coordinate and monitor activities and policies carried out in the interest of the child, was constituted in 1998; also, such councils were also instituted at a local level;

(v) Child protection sections were created in the counties, in 1999.

National Council for Child Rights Protection

78. By Decision No. 106 of the Government of the Republic of Moldova, of 30 January 1998, the National Council for Child Rights Protection was created. Its purpose is to monitor and ensure respect for the Convention on Rights of the Child and the implementation of the provisions of the Law of the Republic of Moldova on Child Rights.

79. The Council is a governmental body that contributes to the elaboration and application of the policy of promoting the major interests of the child in society. The Council is headed by the Vice-Prime Minister in charge of social problems. Representatives of central and local public administration authorities, and public officers, whose field of activity includes children's issues are members of the Council.

80. The basic responsibilities of the Council are:

To ensure integral respect of the provisions of the Convention on the Rights of the Child in the Republic of Moldova;

To elaborate governmental policies with a view to the implementation of children's rights at the national level;

To consolidate social cohesion in the field of child rights protection.

81. The Council contributes essentially to the accomplishment of State policy in the field of child protection, through the elaboration of governmental policies to improve the living conditions of children in the family and in the child protection institutions:

Drafting strategies, programmes and normative documents, with a view to updating the legislative framework and harmonizing it with the international legislative framework, including the Convention on Rights of the Child;

Publicity at the national level for child protection priority and education of the population in the spirit of respect for child rights.

82. In its activity, the Council collaborates with ministries and departments, and local public administration bodies. Collaboration of the Council with international organizations and non-governmental structures has a special significance, as the latter (UNICEF, UNDP, the World Bank, the European Trust for Children and Save the Children) keep track of the situation of children all over the country. Vital support is provided by these organizations, through the implementation of joint programmes of national interest, such as programmes for child immunization, the creation of alternative child protection institutions, the prevention of child abandonment, the training of specialists, etc.

83. On the basis of a decision of the National Council for Child Rights Protection, councils for child rights protection were created in the counties, which ensure respect for child rights at a local level. The county councils are direct mechanisms for the promotion of child policy at a high level.

C. Mechanisms planned for the implementation of the Convention

84. Revision of the legislative framework in the field of child protection, in the spirit of full respect for the principles and provisions of the Convention on Rights of the Child constitutes a priority in the development and implementation of a strategy of family and child social protection. Reform of the system of child rights protection, initiated by the Government of the Republic of Moldova at the beginning of 1999, is based on the following principles:

Principle of priority of the best interests of the child;

Non-discrimination principle, which allows any child whose development, security of physical or moral integrity are endangered to benefit from the protection measures provided by law;

Decentralization of decision-making and of responsibilities in this field to the local public administration level;

Favouring family-type alternatives for the residential protection of children in difficulty.

85. This strategy will have the following objectives:

Reform and development of the legal framework;

Reform of the administrative-organizational framework;

Development of a social assistance system, focused on the family and the child;

Development of special programmes oriented towards priority problems.

IV. CONCEPT OF THE CHILD

86. According to article 1, paragraph 2, of Law No. 338-XIII on Child Rights, of 15 December 1994, a person is considered a child from the moment of his birth until he reaches the age of 18.

87. The age of 18 is provided by the legal framework as the age of majority. According to article 11 of the Civil Code, the citizen's full capacity to exercise rights and to assume obligations through his acts comes with the age of majority, when a person reaches the age of 18.

88. In accordance with the Marriage and Family Code, the minimum age for marriage is 18 for men and 16 for women. This age can be lowered, in exceptional cases, but by no more than two years (art. 16). If the law allows a citizen to marry under the age of 18, the citizen, even being under 18, has full capacity to exercise rights and assume obligations at the moment of his marriage (art. 11, para. 2 of the Civil Code).

89. In accordance with Law No. 547 on Education, of 21 July 1995, the compulsory education period is nine years. Obligatory attendance of school ceases at the end of the school year when the student reaches the age of 16 (art. 9).

90. Pre-school education is obligatory from the age of 5 and is carried out in preparatory groups in kindergarten, in school or, on parents' request, in the family (art. 17, para. 7).

91. Primary education consists of grades 1 to 4. Primary schools can function as separate units within secondary schools. Children aged 6 or 7 at the beginning of the school year are accepted in grade 1. Education in school becomes obligatory at the age of 7 (art. 18, paras. 2 and 3). Gymnasium education is obligatory and is organized as stationary for grades 5 to 9 (art. 19, para. 1).

92. The State guarantees professional education for graduates from the gymnasium who are under 16 and do not attend high school (art. 21, para. 2).

93. Parents or trustees are obliged to ensure the inclusion of their child in an obligatory education structure (State or private) or to carry out his education in the family (art. 60, para. 2 (a)).

94. Law No. 338-XIII on Child Rights of 15 December 1994, stipulates, that a child has the right to independent work, according to his age capacities, his health and his professional training (art. 11, para. 1).

95. The Labour Code of the Republic of Moldova provides that employment of people under the age of 16 is not allowed. In exceptional cases, by mutual agreement with the union committee of the company, institution or organization, persons who have reached the age of 15 can be employed. For professional training of teenagers in production, individual work contracts may be drawn up with students of secondary professional technical professional and speciality schools for performance in their spare time of easy activities that do not cause damage to their health and education, if they have reached the age of 14, with their parents' or guardians' agreement (art. 181).

96. Minors, in their work relations, have equal rights with adults, and benefit from some facilities in the area of work protection or vacations (art. 182).

97. It is forbidden to require people who are under 18 to perform hard work, in harmful or dangerous work conditions underground, or in activities relating to liquor fabrication, storage and trade. It is also forbidden to use minors in moving or carrying heavy objects, that exceed the maximum norms set for them (art. 183).

98. Involving minors in any activity that is dangerous for their health or prevents them from carrying out their education or damages their physical, intellectual, spiritual or social development, leads to fines in the amount of up to 20 times the minimum wage (art. 41/1 of the Code of Administrative Contraventions).

99. According to the Labour Code, all individuals under 18 will be employed only after a preliminary medical examination (art. 184). A probation term is not set when persons under 18 are employed (art. 23.3).

100. A 36-hour work week is set for people between 16 and 18 years old, and a 24-hour week for people between 15 and 16 years old (and for students working during their holidays) (arts. 48 and 187).

101. It is forbidden to use employees under 18 for night work, for overtime work and for work during weekends and legal holidays (art. 185).

102. For employees under 18, production norms proportional to their shorter working hours are set, taking into account the norms for adult employees. Reduced production norms can be set for young people newly employed in a company or organization after graduating from secondary schools, technical professional schools or training courses.

103. Employees under 18 will be entitled to one month's vacation in summer, or, with their consent, at any time of the year. Employees under 18, with shorter work hours, will receive the same payment as employees in the respective category working full-time. Students who combine work with education will be paid proportionally with the time they work, or will receive piece wages (arts. 188 and 195).

104. In accordance with Law No. 968-XII, on Obligatory Military Service, of 17 March 1992, all male citizens of the Republic of Moldova who have reached the age of 16 will be registered in the military register of the local military authority. From the moment of their registration in the local military records, citizens have the status of recruits (art. 7). Citizens of the Republic of Moldova who have reached the age of 18 are to be conscripted for the obligatory term of military service (art. 15).

105. In the event of war, young people are conscripted to participate in the conflict, at the moment they reach the age of majority.

106. Criminal liability of minor persons is provided for by the current legal framework of the Republic of Moldova. Thus, article 10 of the Criminal Code establishes criminal liability for persons who, at the time the offence was committed, had reached the age of 16. Juveniles who have not reached the age of 14 bear no criminal liability.

107. Persons between 14 and 16 who commit a crime, are criminally liable only in cases of murder, intentional harm to bodily integrity causing damage to health, rape, theft, robbery, serious theft of private property, for serious and exceptionally serious hooliganism, intentional destruction or deterioration of private property, theft of drugs, weapons, ammunition or explosives, as well as for intentional acts that can cause a train derailment.

108. In accordance with article 60 of the Penal Code, educational steps can be taken against a juvenile who is criminally liable by making him apologize publicly in front of the harmed person, or in another form set by the court, such as a reprimand or severe reprimand, a warning, the obligation of a juvenile who has reached the age of 15 to repair damaged caused, if the juvenile has his own income and if the damage does not exceed the amount of a minimum wage, entrusting the juvenile for strict supervision to his parents or guardians, or to a work collective or a civil organization, with their consent, or internment of the juvenile in an educational or medical institution.

109. The State, through article 24 of the Constitution, guarantees the right to life and to physical and psychic integrity of each and every citizen. Through Law No. 677-XIII on the Modification and Completion of the Criminal Code, the Criminal Procedure Code and the Code of Execution of Criminal Sanctions, of 8 December 1995, the death penalty was abolished and replaced with a life sentence.

110. Article 23.2 of the Criminal Code provides that, as punishment for a person who, at the time when a crime was committed, had not reached the age of 18, a prison sentence cannot exceed 10 years and, in the case that a juvenile between the ages of 16 and 18 committed a crime for which a life sentence is provided, the jail term cannot exceed 15 years.

111. Hearing of a juvenile witness in civil and criminal cases will be carried out in accordance with the current legislation. Thus, a teacher will be called to assist a 14-year-old juvenile and, in situations where the court considers it appropriate, juveniles between 14 and 16 will also be assisted. If necessary, parents, trustees or adoptive parents are called (arts. 173 and 174 of the Civil Procedure Code and arts. 132 and 139 of the Criminal Procedure Code).

112. In compliance with the Civil Code of the Republic of Moldova, the civil capacity of a citizen to obtain, through his acts, civil rights and to assume civil obligations, begins when he attains the age of 18.

113. If the law allows marriage before a citizen reaches the age of 18, that citizen, even aged under 18, acquires full capacity to exercise his rights as of the time the marriage is concluded (art. 11).

114. Juveniles between 15 and 18 can conclude agreements with their parents', guardians' or adoptive parents' consent. For juveniles under 15, agreements are concluded on their behalf by their parents, adoptive parents or guardians. Agreements that do not comply with the provisions of the law including those that damage juveniles' personal and property rights, can be annulled by the court, at the juveniles' request (arts. 13, 14, 50, 53, 56).

115. Property protection by the State is stipulated by article 127 of the Constitution. Through this, the State guarantees the exercise of property right in the forms requested by the holder, on condition that they are not in contradiction with the interests of society.

116. According to article 46 of the Constitution, the right to private property, as well as the right to make claims against the State are guaranteed. No one can have their property expropriated, unless for a public utility cause, set forth in the law, with previous and fair compensation. The right to inherit private property is guaranteed.

117. Article 570 provides for "right to an obligatory share of the inheritance". It stipulates the following: "Juveniles or children (including adopted ones) of the person who left the inheritance who are incapable of work and were supported by the deceased, will inherit, irrespective of the content of the will, at least two thirds of the share due to each of them, in the case of legal succession (obligatory share). In setting the obligatory shares, the value of the assets is composed of the furniture and domestic equipment in the house.

118. The Civil Procedure Code provides that rights and interests protected by law of juveniles between the ages of 15 and 18, as well as of citizens with limited capacity to exercise their rights, will be defended in the court by their parents, adoptive parents or guardians. However, in such situations, the court has the obligation to subpoena the juvenile or the person with limited capacity. In cases arising from legal aspects regarding work, marriage and the family, as well as from agreements on the disposal of earned profit, juveniles have the right to personally defend their legally protected rights and interests in the court. The court will decide if it is necessary to subpoena the juveniles' parents, adoptive parents or guardians to assist them. Legally protected rights and interests of juveniles who have not reached the age of 15, will be defended in the court by their legal representatives - parents, adoptive parents or guardians (art. 52).

119. In conformity with the Code on Administrative Contraventions, persons who, at the time when they committed the contravention, had not reached the age of 16 can be made civilly liable (art. 12). For persons between 16 and 18 who committed administrative contraventions, measures provided by the Regulations for Juveniles will be applied (art. 13). Administrative arrest cannot be applied to people who had not reached the age of 18 (art. 31).

120. Articles 164, 167,169, 170 and 292 of the Code on Administrative Contraventions stipulates administrative liability for:

> Hooliganism or less serious hooliganism committed by juveniles between 14 and 16, brings about application of fines on parents or on persons substituting for them, in an amount of up to three minimum wages;
>
> The appearance of juveniles under 16 in a state of inebriety in a public place, as well as their consumption of liquor, bring about the application of a fine in an amount of up to one half of one minimum wage on parents or on persons substituting for them;
>
> Bringing the juvenile in a state of inebriety by his parents or by other persons, brings about application of a fine in an amount of up to five minimum wages;
>
> The failure of parents or of persons who substitute for them to fulfil their duty to supervise, educate and train juveniles, and the consumption of drugs by juveniles without a doctor's recommendation, brings about a warning or the application of a fine on parents or on their substitutes, in an amount of up to three minimum wages.

V. GENERAL PRINCIPLES

121. State protection of children constitutes a primary political, social and economic concern in the Republic of Moldova.

122. State policy in the field of children's rights is aimed towards ensuring the accomplishment of the basic principles provided by the Convention on the Rights of the Child, with no discrimination, irrespective of race, colour, sex, language, religion, political opinion or any other kind of opinion of the child or of his parents or legal representatives, irrespective of their national, ethnic, social or material situation, or of their handicap, their birth or any other condition.

123. According to constitutional provisions, all citizens of the Republic of Moldova are equal before the law and the public authorities, irrespective of their race, nationality, ethnic origin, language, religion, sex, opinion, political orientation, real estate or social origin. It is obvious that children also benefit from these provisions of the supreme law, all the more so in that these regulations are also provided in the Law on Child Rights, which states: "all children are equal in rights, irrespective of their race, nationality, ethnic origin, sex, language, conviction, real estate or social origin".

124. The State, through the Law on Education, guarantees the right to education, irrespective of nationality, sex, age, origin, social status, political or religious orientation or criminal record. Thus, all children, including those belonging to national minorities, are offered equal opportunities to benefit from education.

125. In localities densely populated by national minorities, at the request of parents, study of their mother tongue (Gagauz, Bulgarian, Ukrainian, etc.) is organized. In Chişinău, on communities' initiative, Sunday schools function for the study of foreign languages: Lithuanian, Polish, German, Azeri.

126. The State assures equal rights to all children, irrespective of their nationality, to study the official language. They are offered the opportunity to go to their countries of origin and study their ethnic history and language.

127. The existing legal framework provides for the support of national minorities by the State in developing their mother tongue and culture. The State contributes to opening kindergartens, schools, gymnasiums and high schools with education in the language of national minorities and in the official language. In Chişinău and other towns and county centres, libraries with books in the Russian, Ukrainian, Bulgarian, Gagauz, Yiddish, Hebrew and Belarusian languages have been opened. Also, the broadcasting of radio and television shows and the distribution of the written press in languages of national minorities is supported, as well as the establishment of permanent contacts between representatives of ethnic minorities and of ethno-cultural organizations with their historic homeland (for further information, see sect. 9.3).

128. The child's right to psychic and physical inviolability is guaranteed by the State, both in the Constitution and in the Law on Child Rights. All actions concerning a child take into account his best interests. The State ensures appropriate care to a child, in the event of his parents or their substitutes failing to provide it.

129. Thus, the Marriage and Family Code stipulates that parental rights cannot be exercised in contradiction of a child's interests.

130. If, as a result of marriage annulment or due to other reasons, parents do not live together, they are to agree with whom their minor children will live. If they fail to reach agreement, the dispute will be solved by the court, taking into consideration the child's interests; if a child has reached the age of 10, the court will take into account his own wishes.

131. Parents have the right to require any person to give them back their minor children who are kept without a legal ground or without a court decision. The court has the right to reject the parents' request, if it reaches the conclusion that giving the child back to his parents runs counter to the child's interests.

132. The authorities can refuse to grant a parent permission to see the child in cases where the parent's contact with the child can cause physical or psychic damage to the latter, if it is obvious that the parent is incapable of such a contact, if, for certain reasons, the contact is contrary to the child interests or if, during the court sessions, the child expressed serious objections to seeing the parent who lost his or her parental rights.

133. Adoption is allowed only as far as minor children are concerned and only in their interest.

134. When adoptive parents fail to reach agreement on the child's citizenship, the court will decide, taking into consideration the child's interests.

135. Any child has the right to know his parents, to benefit from their care and to live with them, except in cases where separation from one parent or from both is necessary in the child's interest.

136. The State protects the inviolability of the child, defending him from any form of exploitation, discrimination and physical or psychological violence by forbidding cruel, rude, contemptuous behaviour and insults, towards children and mistreatment of them, etc.

137. Respect for children's opinions is reflected in the current legislation. The Marriage and Family Code sets forth the right of any child who has reached the age of 10 to change his name and, in all cases, this will be done only with the child's consent.

138. Giving a family name to, as well as changing the last name of, an adopted child who has reached the age of 10 can be done only with his consent, expressed in the court, except in cases where the child's father maintains his rights and obligations with respect to the child.

139. Adoption cannot be annulled if, at the moment a case for annulment is initiated, the adopted person has reached the age of majority, except in cases where, the mutual consent of adoptive parents, parents and the adopted person himself for such an annulment exists.

140. For adoption, the consent of the parents, provided their parental rights have not been withdrawn, will be asked for, as well as the consent of the adopted person himself expressed in court, if he has reached the age of 10.

141. The registration of paternity for persons who have come of age will be allowed only with their consent.

142. The State guarantees to a child capable of formulating his own opinion, the right to express it freely on any issues concerning him. A child's opinion will be considered, bearing in mind his age and his level of maturity. For this purpose, the child is offered the opportunity to be heard in legal or administrative sessions concerning him, either directly, or through an appropriate representative or authority.

143. The State guarantees to invalid children and to children with physical or mental handicaps free medical assistance, specialized psychological help, general and professional education, jobs in accordance with their capacities and resocialization, to enable them to enjoy a decent life, in conditions that facilitate their active participation in social life.

State invalidity pensions for invalid children

144. Through the Law on Child Rights, the State guarantees to each and every child the right to an appropriate standard of living for his physical, intellectual, spiritual and social development. At the same time, the State takes steps with a view to providing support to parents, as well as to other persons responsible for the education and development of children.

145. All children are offered equal opportunities and conditions for the appropriation of cultural values. For this purpose, various State and civil institutions have been created to contribute to the development of children's creative capacities, and children are guaranteed access to such institutions. The State supports the publication of newspapers, magazines and books for children, and the making of films and radio and television broadcasts for children.

146. In the past few years, the network of libraries for children has faced a series of difficulties in complementing their stock with new literature for children, maintaining the libraries and providing them with financial resources.

147. At present, in Moldova (except for institutions of this type in the eastern counties), 84 school institutions are functioning, attended by 50,000 pupils (statistics as of 1 January 1998), constituting 7.8 per cent of the total number of pupils in pre-university educational institutions. They include 48 creative centres, attended by 3,753 children; 15 technical creation centres, with 7,895 pupils; 12 tourism centres attended by 5,362 children and young people; and 9 centres for young naturalists with 2,771 children. The out-of-school artistic education system is designed to discover, to develop and to promote young talent.

148. Over the past decade, considerable changes occurred in the activity of out-of-school institutions. Former clubs and social-political groups were replaced with ethno-folkloric, handicraft, erudite clubs, and other forms of spending spare time. A constant interest is manifested for specialized skills, sports and tourism. Groups with an artistic/cultural profile continue to be overtaxed. This situation can be explained by the fact that out-of-school institutions have also the task of filling in the gaps in the institutional artistic education.

149. Aiming at pleasant and useful organization of spare time and offering educational services, generally for free, out-of-school institutions provide a favourable environment for the positive affirmation of children coming from families with modest incomes, from socially vulnerable families and for children who need increased educational supervision.

150. In spite of all their economic and social disadvantages, out-of-school institutions provide a fairly constant flow of out-of-school activities. Choirs, folklore festivals, fine arts, photography, handicraft exhibitions, choreography, sports, alpinism competitions, activities for young naturalists, etc. have become traditional. Numerous teams of the out-of-school institutions had successful performances in various international exhibitions and festivals in Bulgaria, Romania, Germany, France, Turkey, Poland and elsewhere.

VI. CIVIL RIGHTS AND LIBERTIES

151. In the Republic of Moldova, a child's right to a name is regulated by the current legislation. Thus, article 5 of the Law on Child Rights provides that, from the moment of birth, a child has the right to a name and is registered in accordance with provisions of the Marriage and Family Code.

152. The Marriage and Family Code provides that a child born of a marriage will receive his parents' family name. If the parents do not have the same family name, the child will bear his father's or his mother's family name, on the basis of his parents' mutual agreement. In the absence of such an agreement, the trusteeship authority in the area where the child resides will decide on the name he will bear. The child will be given a simple forename or one composed of two or more names, according to his parents' wishes.

153. The change of both parents' family name will bring about a change in the child's family name. If one of his parents changes his name, the child's family name can be changed with his parents' agreement. In the absence of such an agreement, the issue of changing the child's name will be solved by the trusteeship authority in the area where the child resides. The change of both parent's family name or of one of them, does not bring about an automatic change of name for the child who has reached the age of 18.

154. Cessation of his parents marriage or its annulment does not involve the change of the children's family name. If, after the annulment of the marriage, the parent living together with the child wants to give the latter his family name, the trusteeship authority in the area where the child resides can solve this problem, taking into account the child's best interests, even when the other parent is against changing the family name of the minor.

155. When the child's parents are not married and the father's family name and data were registered on the birth certificate as a result of the establishment of paternity, trusteeship authority in the area where the child resides can solve this problem, taking into account the child's best interests, even when the other parent is against changing the child's family name.

156. Changing the family name of a child who reached the age of 10 will be done in all cases only with his consent.

157. A child's right to citizenship is regulated both by the Law on Child Rights, which stipulates that all children have the right to citizenship, and by the Law on Citizenship. In accordance with the Law on Citizenship, a child born in the territory of the Republic of Moldova is a citizen of the Republic of Moldova.

158. Also, citizens of the Republic of Moldova are those who:

(i) Were born in the territory of the Republic of Moldova, even though only one of the parents is a citizen of the Republic of Moldova;

(ii) Were born abroad and both parents or only one of them has the citizenship of the Republic of Moldova;

(iii) Were born in the territory of the Republic of Moldova to stateless parents;

(iv) Were born in the territory of the Republic of Moldova to parents having the citizenship of other States, in cases where the respective States do not provide their citizenship.

159. A child found in the territory of the Republic of Moldova becomes a citizen of the Republic of Moldova if neither of his parents is identified.

160. A child who is a foreign citizen or lacks citizenship acquires the citizenship of the Republic of Moldova by adoption, if the adoptive parents are citizens of the Republic of Moldova and the adopted child has not reached the age of 16.

161. A child who is a foreign citizen or lacks citizenship, adopted by spouses one of whom is a citizen of the Republic of Moldova and the other lacks citizenship becomes a citizen of the Republic of Moldova, on the basis of an agreement between adoptive parents. In the case that adoptive parents fail to reach an agreement, the court will decide on the minor's citizenship, taking into consideration his best interests. For children who reached the age of 14, their consent is necessary.

162. If a single person adopts a child, and this person is a citizen of the Republic of Moldova, the child will acquire the citizenship of his adoptive parent.

163. A child who is a citizen of the Republic of Moldova and is adopted by a foreign citizen or by spouses, one or both of whom are foreign citizens, will keep the citizenship of the Republic of Moldova.

164. A child, citizen of the Republic of Moldova, who is under the trusteeship or guardianship of citizens of the Republic of Moldova, whose parents or whose single parent lives in the territory of the Republic of Moldova and do not participate in his education, will keep the citizenship of the Republic of Moldova.

165. The State pledges itself to protect and, if necessary to rehabilitate, the basic aspects of a child's identity. The Constitution of the Republic of Moldova provides that no one can be arbitrarily deprived of his citizenship or of the right to change it. The Law on Citizenship stipulates that the fact that a citizen of the Republic of Moldova lives abroad, irrespective of the length of his stay there, does not bring about loss of the citizenship of the Republic of Moldova.

166. According to the Supreme Law, any citizen is guaranteed liberty of thinking, of opinion, as well as liberty of public expression through speech, images or in any other possible way. Liberty of expression must not prejudice the honour, dignity or the right of opinion of another person. The Law on Education sets forth that pupils and students have the right freely to express their opinions, convictions and ideas.

167. The right of any person to have access to any information of public interest is not limited. Public authorities, in conformity with their competences provide accurate information to citizens on public affairs and on private interest issues.

168. Freedom of thought and conscience is regulated by the current legal framework. Thus, the Law on Child Rights states that "the right of a child to freedom of thought, opinion and religion cannot be violated in any way". No child is obliged to hold any opinion, or to adhere to any religion, contrary to his convictions. The freedom of conscience of a child is guaranteed by the State and is manifested in a spirit of religious tolerance and respect. Parents and their surrogates have the right to educate their children in accordance with their convictions.

169. The right to association in civil organizations is guaranteed. Children have the right to associate in civil organizations. The State offers material support to children's civil associations, provides premises and also fiscal facilities. The involvement of children in political activity and their membership in political parties is forbidden.

170. The State guarantees any child the right to life and to physical and psychological integrity. No child shall be submitted to torture or to cruel, inhuman or degrading treatment or punishment (article of the Law on Child Rights, No. 338-XIV of 15 December 1994).

171. The Legislation of the Republic of Moldova sets forth legal liability for actions or failure to act regarding child abuse, depending on the condition of pregnancy state, the seriousness of the consequences and other circumstances. Thus, the Criminal Code (art. 88) qualifies "murder committed by taking advantage of the victim's incapability to defend himself" as murder one with aggravating circumstances and it is punished with life imprisonment or with a jail sentence of between 10 and 15 years.

172. Instigation to commit suicide or to attempt suicide of a person who depends financially or in an other way on the instigator, either through cruel behaviour, or through systematic humiliation of the personal dignity of the victim shall be punished with a jail sentence of between one and five years (article 92 of the Criminal Code).

173. Harm to bodily integrity is also punished by articles 95 to 99 of the Criminal Code. Torture, systematic beating or any other actions of the nature of torture are punished by a jail sentence of up to three years, but the same actions committed against minors are punished with a jail sentence of up to five years (article 101 of the Criminal Code).

174. Intentional causing of slight bodily injury, maltreatment, hitting, and other violent actions that cause physical pain are punished with a fine of between 10 and 15 minimum wages, or by preventive arrest of up to 15 days (article 169 of the Code on Administrative Contraventions).

175. According to data of the Ministry of Internal Affairs, a few cases of child maltreatment have been identified.

VII. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

176. Parents have the right and the obligation to educate their children and to take care of their children's health, physical, spiritual and moral development, education and professional training.

177. Defence of the rights and interests of the minor is incumbent upon his parents, who are his legal representatives, without special authorization.

178. Parental rights cannot be exercised contrary to the child's best interests. If both parents (or either of them) do not properly fulfil their educational duties towards their children or abuse their parental rights, children have the right to address the trusteeship authorities for the defence of their rights and interests.

179. Father and mother have equal rights and duties concerning their children's education, even in cases when their marriage was annulled. All issues referring to the children's education are resolved on the basis of mutual agreement between the parents. If they fail to reach agreement, any litigation will be resolved by the trusteeship authorities, with the parents' participation.

180. The parent who lives separately from his minor children has the obligation to participate in their education and has the right to communicate with them. The parent with whom minor children live does not have the right to prevent the other parent from communicating with his children or from participating in their education. Trusteeship and guardianship authorities can deprive the parent living separately from the child of the right to communicate with him for a certain term if such communication prevents the normal education of the child and exercises a negative influence on him.

181. Both parents, equally, or their surrogates, bear the main responsibility for the physical, intellectual, spiritual and social development of the child, taking into account, above all, his best interests.

182. Parents or the children's legal representatives have the obligation to ensure inclusion of the child in a form of compulsory education (public or private) or to ensure his education in the family and to create appropriate conditions for study, for the development of his skills, for out-of-school activities and for his self-education.

183. Parents or their legal surrogates bear responsibility for the lack of permanent supervision of children of very young age.

184. Parents have the obligation to support minor children and major children who are incapable of working and who need help.

185. When a child is looked after by a State institution, because of having been abandoned or having been taken ill as a result of failure to respect a doctor's recommendations, both parents will pay compensation for his support and treatment.

186. Decreased parental rights do not relieve the parents of the duty to support their children. Payment for the support of their children requested of parents, will be as follows: one fourth of their income for one child; one third of their income for two children; and half their income for three or more children.

187. Parents who pay for the support of their minor children can be obliged to contribute towards additional expenses, caused by exceptional circumstances (serious illness, mutilation of the child, etc.).

188. In cases when the parent obliged to make maintenance payments has an irregular income and does not receive a monthly wage, as well as in other cases, and determining the payment proportionally with his income is impossible, or creates difficulties, the payment can, at the request of the person concerned, be set at a fixed amount to be paid monthly.

189. Money from parents for the support of children interned in State institutions, will be transferred into their personal accounts, opened at the Banca de Economii, if, by law, the parents must pay for their children's support.

190. A person who has the right to maintenance payments can submit an application to the court, irrespective of the time that has elapsed since the right to such payments was acquired. Maintenance payments will be adjudged for the period following the submission of the application in the court. Maintenance payments for the period prior to the submission of the application in the court can be sought for a term of up to three years, if the court finds that, until the submission of the application, measures were taken to receive maintenance payments, but they were not made owing to the fact that the person who had this obligation shirked it. In such cases, parents can be obliged to pay for their children's support, even if the latter have reached the age of majority.

191. A person obliged to pay maintenance has to communicate to the bailiff, within three days, any change in job or residence, as well as any additional income received (for overtime work, etc.).

192. Payment of maintenance arrears can be sought on the basis of an executive order, for a maximum period of three years prior to the issuance of the order. Minors who, at the moment of their adoption have the right to receive maintenance or support from State or civil organizations, related to the loss of their sponsor, maintain this right also in the case of adoption.

193. Avoidance of payment of the amounts set by a court decision for the support of under-age children is punished in accordance with the current legislation.

194. Adoption is allowed only as far as children are concerned and only in their best interest. Adoptive parents can be citizens of both sexes who have reached the age of 25. Between adoptive parents and the adopted person, there must be a difference of at least 15 years. On the basis of well-grounded reasons, when the adoption application is examined, this term can be reduced, but by no more than five years. For adoption, the consent of parents who have not lost their parental rights will be requested, as well as the consent of the adopted party, expressed in court, if he has reached the age of 10. An adoption concluded without the consent of the child's parents, or without the consent of the spouse of the adoptive parent, can be cancelled in court on the basis of action initiated by the child's parents or by the spouse of the adoptive parent, if the court finds that the child's return to his parents corresponds to his interests. If adoption is cancelled at the parents' request, in cases when the adopted child has reached the age of 10, his wishes are also taken into account (articles 101, 102, 117 of the Marriage and Family Code).

195. Trusteeship applies to children under the age of 15, and guardianship to children over 15. After a person under trusteeship reaches the age of 15, the trusteeship ceases and the person performing the function becomes, without a special appointment, the minor's guardian. Guardianship ceases after the minor under guardianship reaches the age of 18. It ceases also when a person under the normal minimum age for marriage, but above the minimum reduced age provided for by the legislation (arts. 128, 129, 153) marries.

196. Trustees and guardians have the obligation to live with those under their care. In some cases, trusteeship and guardianship authorities can approve a trustee or guardian and the person entrusted to their supervision who has reached the age of 16 living separately, if this does not have a negative impact on the education, rights and interests of the young person. Trustees and guardians have the obligation to communicate any change of residence to the trusteeship and guardianship authorities. The State commits itself to offer special protection to children deprived of a family environment and ensures them appropriate care in another family, or within an institution.

197. Trusteeship and guardianship are instituted for the education of under-age children who, as a result of the death of their parents, loss of parental rights, their parents' illness or for other reasons, remain without parental care, as well as for the purpose of defending these children's private and real estate rights and interests.

198. Trusteeship is instituted for children who have not reached the age of 15 and for persons declared incapable by the court, owing to their mental alienation or debility.

199. Guardianship is instituted for under-age persons between the ages of 15 and 18. Guardianship is also instituted for grown-up capable persons, if, due to their state of health, they cannot defend their rights. For this last category of persons, guardianship can be instituted only at their request.

200. Guardianship is also instituted for individuals who have been declared by the court as having limited capacity, due to alcohol or drug abuse.

201. Trustees and guardians will be appointed neither for children whose education is entirely carried out in children's institutions, nor for grown-ups who need trusteeship or guardianship and who are interned in health or social assistance institutions. The performance of the functions of trustee or guardian for these persons will be the task of the administration of the institution where they are interned.

202. Trustees and guardians have the obligation to take care of grown-up persons under their trusteeship or guardianship, to create proper living conditions for them, to ensure their medical care, and to defend their rights and interests.

203. Besides this, trustees of some retarded persons have the obligation to ensure permanent medical care for the person under their trusteeship. If the person gets well, the trustee has the obligation to address the court, asking it to find that the person under his trusteeship is capable and to cancel the trusteeship instituted on that person.

204. The existing legal framework provides for criminal liability for the use of trusteeship or guardianship for the purpose of obtaining profit or for the use of patronage to the detriment of the person under trusteeship, and for leaving children under trusteeship without supervision and the necessary financial support.

205. If the court finds it appropriate not to impose a criminal punishment on an under-age person, who has committed a crime, it can decide that the under-age person should be interned in a special educational institution or in a medical educational institution.

206. Placement of a child in a special educational institution will be made only in conformity with a court decision, on the recommendation of the authorized bodies of the local public administration.

207. A child in a special educational institution has the right to human treatment, to health protection, elementary or professional education, meetings with his parents, relatives or other interested persons, to vacation and mail.

208. A mandatory condition in holding children in special educational institutions is re-education with a view to their return to a normal life. According to the legislation, children who are temporarily or permanently deprived of their family environment or who, in their own interest cannot be left in this environment, benefit from State protection and special help.

209. In cases where the placement of a child without a family in another family is not possible, he will be placed in an orphanage or similar State institution. The placement will be made in compliance with the current legislation. Children placed in such institutions are provided with the conditions for their physical, intellectual and spiritual development, and for the preservation of their mother tongue, their national culture, traditions and costumes, at the same time as being taught skills for an independent life.

210. If both parents have forfeited their parental rights, the child is to be entrusted to the care of trusteeship or guardianship authorities, or to a boarding-type institution. According to court information, in the five-year period 1990-1995, 587 persons were stripped of their parental rights. Restoration of parental rights is not allowed if the child is adopted.

211. The court can pronounce a decision, on the basis of which a child can be taken away from his parents and be entrusted to the care of trusteeship and guardianship authorities, even if the parents have not been stripped of their parental rights, if leaving the child in his parents' care represents a danger for him. If the causes that served as the grounds for taking the child away are eliminated the court, at the parties' request, can pronounce a decision that the child can be restituted to his parents.

212. Orphan children or those who are without parental care will be adopted or placed either in a different family or in a State institution for children.

213. Adoption by foreign citizens is performed in compliance with the legislation, if an appropriate solution cannot be found in the Republic of Moldova. In finding a solution, the necessity of ensuring continuity in the child's education, his ethnic, religious, cultural and linguistic origin, and the child's wishes will be taken into account.

214. Adoption is made in a legal way, at the request of the person who wants to adopt a child. Acting as unofficial intermediary in assisting the adoption of children will not be allowed, except in the cases provided for by law.

215. For adoption, the consent of parents who have not forfeited their parental rights, as well as of the adopted child, if he has reached the age of 10, expressed in the court, will be requested.

216. If, prior to the submission of the adoption application, the child has been living in the family of his adoptive parent and does not know that the adoptive parent is not his natural parent, adoption can be made, as an exception, without the consent of the adopted child.

217. Parental consent needs to be expressed in a statement authenticated by a notary or by the administration of the State institution for children in which the child is being educated and taken care of. By the submission of the adoption application in the court, the consent statement can be withdrawn by parents at any moment.

218. The parents' consent will not be required if they have lost their parental rights or they have been declared, in the way established by law, incapable or missing.

219. If parents shirk from contributing to their children's education, adoption can take place, as an exception, without their consent.

220. Adoption can also take place without the parents' consent, if they have not lived together with their child for more than six months and if, without good reason, they do not participate in the child's education and support, and do not manifest parental attention and care towards their child.

221. If a child is adopted by a married person but not by both spouses, the consent of the other spouse will be required. The consent of the other spouse will not be required for adoption, if this spouse has been declared incapable in the manner established by law, as well as if the spouses have not lived together for more than one year and the place of residence of the other spouse is not known.

222. For the adoption of children educated and supported by State institutions for children, in the case that the parents' consent is not required, the consent of the administration of the respective institution will be necessary. In accepting a child in an institution, the administration of that institution has the right to ask the child's parents whether they consent to the child being adopted in the future, without nominating the adoptive parent. The consent can be given no earlier than one month after the child's birth, or, in exceptional cases, before the expiry of this term.

223. If the parents have given such consent, in an authenticated form, confirmed consent will not be required by the court, when examining the adoption file.

224. For the adoption of an under-age person under trusteeship (guardianship), the written consent of the trustee (guardian) will be required. If the trustee refuses to give his consent, the issue of adoption will be solved by the trusteeship and guardianship authority.

225. Adoption of children who are citizens of the Republic of Moldova by foreign citizens will be allowed, if these children are registered in the records of the Committee for Adoption of the Republic of Moldova and could not be taken into trusteeship or adopted in the country within at least six months of being registered. In exceptional cases, taking into account the vital interests of a child suffering from a serious disease, curable only abroad, the Committee for Adoption of the Republic of Moldova, with the approval of the Ministry of Health, can decide that the child can be adopted by the expiry of the six-month period.

226. For adoptions by foreign citizens, in parallel with approval of the trusteeship and guardianship authorities in the adopted residence area, the approval of the Committee for Adoption of the Republic of Moldova is necessary.

227. The adoption of a child who is a citizen of the Republic of Moldova is also considered valid if this adoption was made by the State authorities in the territory in which the child lives, on condition that prior authorization for the adoption was obtained from the Committee for Adoption of the Republic of Moldova.

228. A child who is a citizen of the Republic of Moldova can be adopted by a foreign citizen only if, in accordance with the law of the country he is to leave, he will benefit from equivalent guarantees and norms to those he would have had if he had been adopted in his own country, as well as if the laws of the respective country guarantee the child rights equal to those provided by the legislation of the Republic of Moldova.

229. The Committee for Adoption of the Republic of Moldova, with the contribution of diplomatic and consular representatives of the Republic of Moldova, and in other ways accepted by international norms, is called upon to obtain guarantees from the authorities and bodies of the State whose citizens adopted a child who is a citizen of the Republic of Moldova that the child will benefit from norms and guarantees equivalent to those he would have had if he had been adopted in his native country.

230. Before a child can be adopted by foreign citizens, repeated meetings are held with the persons close to the child, including the biological parents. Thus, of the total number of children registered in the records of the Committee for Adoption (children who were not requested for adoption by families in the localities where they were born), one fourth found a family in the country (either they went back to their biological family or were adopted by national families). Most orphan children adopted by foreign families suffered from diseases.

231. The Criminal Code of the Republic of Moldova stipulates that acceptance of a reward of any kind by the parent, trustee (guardian), any other legal protector of the child, or by any other person for giving his consent to adoption or for other purposes related to adoption, either the transfer of the child to other persons who are not the child's parents, in any other way than that provided by law, or presentation of inaccurate data for the child's identification, will be punished with a jail sentence of between 3 and 10 years, with confiscation of the reward received.

232. The exercise of pressure of any kind on a parent, trustee (guardian) or other legal protector of a child for the purpose of obtaining his consent to adopt or to give the child away, as well as for the purpose of presenting inaccurate data on the child's identity, for the purpose of his transfer to other persons, will be punished with a jail sentence of between 7 and 15 years (art. 112 (2)).

VIII. BASIC HEALTH AND WELFARE

233. Articles 47, 48, 49, 50, 51, title II, chapter 2 of the Constitution of the Republic of Moldova sanction the right of the family, mother and child to special assistance and protection, the right of children and young people to benefit from a special assistance regime in realizing their rights and the right of children to necessary social allocations and of ill or handicapped people to assistance.

234. With a view to implementing the Convention on the Rights of the Child, the Parliament of the Republic of Moldova adopted, on 15 December 1994, the Law on Child Rights, which regulates the current legal framework concerning child protection, establishes the child's legal status as an independent topic, provides for the assurance of the child's physical and spiritual health and the moulding his civic conscience, on the basis of national and general human values, paying special attention to providing social protection to children temporarily or permanently deprived of their family environment or who find themselves in extreme or unfavourable conditions.

235. For the purpose of implementing the Law on Child Rights, the State Programme on Child Rights was drafted, and approved by the Government through Decision of the Government of the Republic of Moldova No. 679, of 6 October 1995. The Programme sets forth a series of measures that oblige the State structures to create a favourable environment for children's upbringing and development.

236. An increase in the number of congenital anomalies and cases of trauma has led to an increase in the number of invalids. There were 11,200 invalids under the age of 15 in 1999, compared to 8,900 in 1992. This increase has resulted in serious socio-economic problems related to their support by society.

Table 9. Invalid children

	1992	1993	1994	1995	1996	1997
Number of invalids under the age of 16 registered with the State insurance bodies	8 858	10 036	10 475	10 752	11 009	11 529
Number of children in boarding institutions for invalid children	526	551	552	493	515	529

Source: Ministry of Labour, Social Protection and the Family.

237. One of the primary rights of the child is that to full health and access to sanitary and medical services, stress being laid on basic and preventive care, on education for health, and on rational nourishment.

238. In the Republic of Moldova, the law recognizes mother and child health protection as a priority activity of all State bodies. In accordance with the Law on Child Rights (1994), child health protection is provided initially in the antenatal period. The child benefits from medical assistance, with the most advanced technologies existing in the country. For the first time, the obligations of parents in child health protection were legally emphasized.

239. However, unfortunately, the transition period generated some rather negative processes and tendencies that considerably affect the situation of children in the country.

240. The institutional structure of the health protection system is currently subject to modifications related to the reform of the health protection system in general, which is aimed at increasing the population's access to medical assistance, improving its quality, and costs optimization in the health protection system.

241. Medical assistance of the population, including children, is assured, at a primary level, by family doctors (family doctor centres, health centres, and family doctor offices). Hospital medical assistance is assured by sector and county hospitals. Specialized and high qualification medical assistance is provided by republican medical institutions. Child health and care issues are coordinated at a ministry level by the Mother and Child Medical Assistance Department within the Ministry of Health.

242. Obviously, the extended socio-economic crisis has also affected the state of mother and child health. Lack of rational nourishment of young pregnant women, tense situations both in the family and in society, unlimited work hours, often in noxious conditions, and diminished possibilities of diagnosis and treatment in medical institutions have led to a considerable increase in morbidity, especially among pregnant women and children. Every second pregnant woman suffers from anaemia, every third pregnant woman suffers from chronic diseases of the urogenital or cardiovascular system. This state of things represents a serious danger both for the woman's health and life and for the normal development of the foetus.

243. The dissatisfactory state of health of women of fertile age, increasing alcoholism, drug addiction and smoking among young women have contributed to an increase in the obstetrical risk level and, as a result, 5.3 per cent of babies are born premature, 6 per cent are born with hypertrophies, 12 per cent with hypovitaminosis, and 20.8 of 10,000 born alive, are born with congenital diseases; 366 newborn babies out of every 1,000 are already ill.

244. Worsening of child care and nutrition has led to about 20 per cent of children suffering from anaemia in their first year of life, 35.5 per cent from rickets and 20 per cent from diseases of the nervous system.

245. Over the past five years, there has been an increase in mortality among children under 14, from 6,374, 7 in 1994 to 5,892 per 10,000 children in 1999. Mother and child access to free medical care diminished considerably.

246. It is necessary to mention here that the real morbidity rate is much higher, a situation that can be explained by the fact that, in the last few years, consultation of doctors by parents with ill children diminished considerably, and by the fact that there are no financial means to purchase and to ensure a sufficient supply of medicines for the medical institutions for children.

247. In the period 1995-1999 morbidity among children under 14 increased, essentially because of infectious diseases, diseases of the urogenital system, anaemia, diseases in the antenatal period, congenital malformations. The percentage of physically retarded children increased from 1.3 per cent in 1995 to 1.4 per cent in 1999.

248. On the other hand, in 1999, compared to 1995, the number of cases of trauma, intoxication, burns and food poisoning among children decreased.

249. Over the past three years, a gradual diminution of infantile mortality was obtained. The indices were the following: 19.8 per 1,000 new live-born children in 1997; 17.4 in 1998 and 18.2 in 1999. Most of the infantile mortality is caused by: antenatal diseases, pathologies of the respiratory system, congenital malformations, trauma and food poisonings. We need to mention that about 65 per cent of these children simultaneously suffered from malnutrition. However, the problem of children's rational nourishment remains actual and still unsolved at a national level.

250. Nowadays we regretfully witness the amplification of a tragic social phenomenon - abandonment of newborn children. Every year, about 350 such babies are abandoned; due to lack of maternal affection and care, they are at permanent risk of being taken ill or of death. Their staying in medical institutions leads to somatic and psychic retardation.

251. In the Republic of Moldova a situation was created in which children born with certain pathologies that lead to invalidity cannot be cured in due time and cannot qualify for subsequent social integration.

252. At the beginning of 1999 there were 14,469 invalid children registered in the medical records. We need to mention that in the past 10 years, the number of invalid children doubled, 65 per cent of them suffering from psycho-neurological and orthopaedical pathology. There is a high level of traumatism among children. All these children need long rehabilitation treatment.

253. Over the past five years, the creation of the Republican Centre for the Recovery of Seriously Ill Children has been discussed at various levels, but, unfortunately, so far, this question is still unresolved, due to the lack of financial means.

254. Taking into account current diminished possibilities of the State budget for the entire funding of the health protection system, State programmes were elaborated to address the key problems in health protection, especially in mother and child health protection, and have been adopted by the Government of the Republic of Moldova:

National Programme for the Strengthening of Antenatal Medical Assistance;

National Programme for Improving Genetic-Medical Assistance;

National Child Nourishment Programme;

National Programme for Children's Oral Health;

National Imunoprophylaxy Programme;

Programme of Action for the Year of the Child;

National Programme for Improvement of Family Planning and Reproductive Health Protection Assistance.

255. In view of the pressing problems mentioned above, improvement measures were taken, aimed, first of all, at the reform of primary medical care. This will allow the volume and quality of medical care to be increased, mainly to pregnant women and children, at home. Also, possibilities for optimizing costs in medical institutions are being sought that will create the opportunity to improve access to qualified primary and hospital assistance, and to a better medicine supply.

256. Over the past years, the Ministry of Health, with the support of UNICEF and the World Health Organization, has been successfully implementing projects to combat acute diarrhoea and respiratory diseases in children, and to promote breastfeeding and has started implementing Integrated Management of Childhood Illness projects, which support the State Strategy for the Development of the Health Protection System in the Country.

257. For the purpose of accomplishing child social protection objectives, a series of normative documents were drafted that provide solutions for the most severe family, mother and child problems and for improving the degree of social protection for families with children that are less protected.

258. Article 48 of the Labour Code establishes a diminished work programme of 36 hours per week for employees aged between 16 and 18 years, and of 24 hours per week for pupils aged between 15 and 16 years. Article 53 provides for a part-time work programme for pregnant women and for mothers with children up to the age of 14 or invalid children up to the age of 16.

259. When the Law on State Social Insurance Pensions came into force, a social pension for invalid children was not established. Consequently, this category of children remained in the care of the State. For this purpose, through Parliament Decision No. 499-XIV, on 14 July 1999, the Law on State Social Allocations for Certain Categories of Citizens was adopted. Article 3 (c, d) of this law sets forth that the beneficiaries of this allocation shall be invalid children up to the age of 16, with first, second or third degree invalidity, and children who have lost their sponsor. Allocations established in conformity with the above-mentioned law are paid from State budget sources, through the State insurance budget. Article 8 of the law sets forth the amount of the allocation in a percentage proportional to the minimum pension for the age category:

Children with first degree invalidity - 100 per cent;

Children with second or third degree invalidity - 85 per cent.

260. Article 9 of this law stipulates that the allocation for children who have lost their sponsor shall be paid if the deceased person did not fulfil the conditions for acquiring the right to a State social insurance pension. The allocation for children who have lost their sponsor will be provided for persons under the age of 18 (pupils and students in secondary educational institutions and university - until their graduation, but no later than the age of 23), if they are not entirely supported by the State and do not have any assured income.

261. Allocation for children who have lost their sponsor is set at 75 per cent of the minimum pension for each age category, but without exceeding the amount of 1.5 times the minimum pension for the age category. In the case of the loss of both parents, the amount of the allocation will be doubled.

262. The Republic of Moldova inherited from the Soviet period a series of institutions where orphans, abandoned, mentally and physically handicapped children, children coming from families with complex social problems are taken care of. According to the latest statistics, about 15,000 children live outside their family.

263. Children with health or social problems are taken care of in the following institutions:

Homes for children between 0 and 7 years;

Special kindergartens;

Homes for children between 7 and 18 years;

Homes for children with mental deficiencies;

Boarding gymnasiums for orphan children and for children without parental care;

General boarding gymnasiums;

Auxiliary boarding schools;

Special schools for children with chronic diseases;

Special schools for children with physical deficiencies;

Special schools for children with sensorial deficiencies;

Special schools for children with behaviour deviations;

Sanatorium schools.

264. The causes of children being placed in institutions are, generally, social in character. The children come from families with multiple social problems, which are amplified by the transition period difficulties. Excessive dependency on institutions is, to a great extent, due to the existing services supporting the families in crisis, as these families resort to placement of the children in institutions as the best form of social protection. The measures taken to prevent separation of children from their parents are rather limited, due to the financial state of such families. The necessary steps have not been taken and the State has not ensured the creation of conditions for the care, education, recovery and social integration of these persons.

265. It is necessary to develop a complex system of prevention of placement of children in institutions and of encouraging alternatives: family consolidation, temporary or long-term placement in other families or adoption, etc.

266. Within the governmental strategy in the field of child rights protection, a major objective is the restructuring and diversifying of child protection institutions, by turning existing institutions into family-type institutions and by creating maternal centres, day centres and social, medical and educational protection centres for children with deficiencies, for the purpose of maintaining them within their biological family.

267. Structural reform in the field of child protection requires both financial and human resources. As a result of a study on the domestic budget, carried out with the financial support of the World Bank and the United Nations Development Programme in Moldova, Strategies for Diminishing Poverty and a National Programme for Diminishing Poverty were drafted. Analysis of the results of this study on the domestic budget, shows that the largest socially vulnerable category threatened or already affected by poverty is that of children. The Programme contains a special component, with measures to protect children against poverty. Drafting of sub-programmes such as: "Our children", "Orphan children", "Invalid children" is planned. Measures are aimed at providing families with many children with material support in different forms (money, products and subsidies for utilities).

Table 10. Morbidity: Some contagious diseases affecting children under 14 (1998-1999)

	Number of persons affected		Per 100,000 inhabitants in the under-14 age group	
	1999	1998	1999	1998
Salmonelosis	463	558	45	53
Bacterial dysentery	2 145	3 041	210	286
Scarlet fever	435	690	43	65
Diphtheria	5	2	0.5	0.2
Whooping cough	36	173	4	16
Measles	181	514	18	48
Meningococcus infection	77	100	8	9
Viral hepatitis	1 853	2 433	182	229
of which, viral hepatitis type B	127	219	12	21
Epidemic parasitism	2 399	7 201	235	678
Flu and acute infections of the upper respiratory tract	184 093	219 083	18 042	20 625
Pediculosis	8 928	13 479	875	1 269
Scabies	2 519	3 825	247	360

Source: Department of Statistics and Sociological Analysis.

268. Children under 14 constitute 68 per cent of the total number of patients with acute intestinal infections; 51 per cent of those with salmonelosis; 56 per cent of those with viral hepatitis; 62 per cent of those with acute infections of the upper respiratory tracts; 64 per cent of those with pediculosis; and 52 per cent of those with scabies.

269. One of the pressing problems is the high level of infantile mortality. The level of infantile mortality in Moldova is three to four times higher than in other countries. In the past three years, a slow but constant decrease in infantile mortality can be noticed: from 23.7 deaths under the age of 1 year per 1,000 live-born babies in 1994, to 19.8 in 1997.

270. The main causes of infantile mortality are diseases which originate in the antenatal period (36 per cent) and respiratory diseases (26 per cent of deceased children under 1 year).

Table 11. Deceased persons aged between 0 and 15, by main cause of death, 1998-1999

	1988	1999
Total	22.3	23.6
Congenital malformations	5.94	5.9
Respiratory diseases	4.83	5.8
Trauma and poisoning	4.69	5.8

Source: Department of Statistics and Sociological Analysis.

Table 12. Index of mortality among children under 14, 1999 (per 10,000 inhabitants)

	1999
Total	13.7
Congenital malformations, deformations and chromosomal anomalies	2.42
Respiratory diseases	2.73
External causes of death	3.21
Diseases originating in the antenatal period	2.56

Source: Department for Statistics and Sociological Analysis.

271. Deaths due to accidents, poisoning and trauma accounted for one fourth of the deaths in the age group 0-14.

IX. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

1. The structure and objectives of the educational system

272. In the Republic of Moldova, the Law on Child Rights and the Law on Education regulate a child's right to education. This right is concretized in three forms:

The right of any child to free education in elementary and secondary schools, and to continue his education in professional schools, high schools, colleges, superior education institutions;

The right to education in special schools for any child with a physical handicap;

The right of orphan children and of those without parental care to free education and support in all educational institutions.

273. In accordance with article 12 of the Law on Education, the educational system is organized in levels and steps, with the following structure:

(i) Pre-school education;

(ii) Primary education;

(iii) Secondary education;

(a) General secondary education:

Gymnasium education;

High school education;

(b) Professional secondary education;

(iv) Academic education:

Short-term (colleges);

University.

274. The pre-school education system has as its objective the creation of conditions for the development of a child in his national cultural environment, on the basis of general human values and of national spirituality, and the building of a free and creative personality, through moulding the child's conscience. The educational process is guided by the principle of child-differentiated and individual treatment as a first step towards national conscience; also, child-differentiated and individual treatment in an interdisciplinary framework. In this context, stimulation, development and capitalization of the psychic, physical and intellectual potential of a child are extremely important.

275. Pre-school education, as the first level in the national educational system structure, has the role of preparing children for the activity of learning, this fundamental objective being accomplished taking into account the real situation, the necessities and the concrete possibilities. Pre-school education is usually carried out in the family, up to the age of three, and in pre-school institutions between the ages of 3 and 6 (7).

276. In the last few years, pre-school education has recorded a permanent decline. At the beginning of the 1998/99 school year, 1,400 pre-school institutions were functioning with 126,000 children (out of a total 293,400 children - 44.8 per cent). The activity of 152 kindergartens which were closed as their premises had deteriorated has remained suspended for the past three years and, in addition, another 196 kindergartens have been temporarily closed in wintertime.

277. The closing of kindergartens exclusively affected pre-school institutions in rural areas. Once closed, they are neglected, without utilities, and thus deteriorate. In most of the localities,

the functioning conditions of pre-school institutions are precarious. Repairs of premises are left to the teachers and parents. Soon, the entire technical-material basis of pre-school institutions will be completely worn out, as technical and prophylactic assistance is totally missing. In the cold period of the year, kindergartens are not supplied with fuel and electricity.

278. It is alarming that school preparatory groups do not function because kindergartens are closed. Under such circumstances, psycho-pedagogical preparation of children between the ages of 5 and 7 for successful integration into school and social activity, becomes impossible, a fact that considerably affects their school education.

279. As far as nourishment is concerned, we are confronting a serious situation. Due to the shortage of food products, to constantly increasing prices and to lack of financial means, children do not have the necessary intake of calories for normal growth and development. This inevitably leads to alimentary imbalance and to malnutrition which, in its turn, generates avitaminosis, anaemia, stomach ulcers and psychic and physical fatigue.

280. Another pressing problem is that of the provision of teaching materials, the insufficient supply of which is hindering the organization and carrying out of the education-training process. At present, the publication of programmes and didactic materials, drafted on the basis of modern educational technologies, is rather difficult.

281. Under the circumstances, when about half of the children of pre-school age do not benefit from organized educational services, there is an urgent need to take measures to provide parents with pedagogical knowledge.

Table 13. Pre-school institutions

	1992	1993	1994	1995	1996	1997	1998	1999
Number of permanent pre-school institutions	1 940	1 877	1 774	1 668	1 581	1 480	1 399	1 201
Number of places in pre-school institutions (thousands)	218	217	206	194	183	177	167	52.4
Number of children in permanent pre-school institutions (thousands)	213.8	202.3	182.5	161.3	146.9	138.8	126.0	101.0
Teachers (thousands)	22.8	21.8	19.6	17.6	15.0	14.7	13.2	9.8
Degree of ensuring permanent pre-school institutions for children, (percentage of the total number of children between 1 and 6)	55	51	46	45	43	43	40	33
Number of children per 100 places in permanent pre-school institutions	98	93	89	83	80	78	76	66
Number of children per teacher	9	9	9	9	9	9	10	10

Source: Department for Statistics and Sociological Analysis.

Note: Figures indicated in the table refer to public, private and mixed institutions.

282. Secondary general education is composed of two stages: gymnasium education (5th to 9th grade) and high school education (10th to 12th grade).

283. Primary and gymnasium education is compulsory (nine grades). Compulsory education ensures the development of a pupil's skills and intellectual capacities and is perceived as a defining stage in personality shaping, in professional orientation and in preparation for high school or professional education.

284. On 1 September 1996, a new primary education curriculum, drafted on the basis of new didactic exigencies, was initiated, and new didactic methods and materials were provided for students and teachers. Alternative textbooks were drafted that allow diversification of options for various types of contents.

285. Compared to other stages of education, primary education was favoured in regard to the publication of didactic materials related to the implementation of new contents. But the insufficiency of financial means created difficulties with respect to the publication and distribution of the textbooks. For the same reason, the necessity of requiring payment for textbooks (totally or partially) arose, a fact that handicaps families with diminished financial possibilities.

286. Revision of education plans allowed diminishing the students' load and created the possibility of organizing teaching activity in a five-day week regime.

287. For the purpose of improving the pre-school and primary education network, a new type of mixed institution "kindergarten-school" was created. If didactic aspects present some advantages for students, the persistence of the problem of ensuring conditions for educational activity has the tendency to diminish even those real, positive effects.

288. In accordance with educational objectives, some key values are included in school curricula, such as:

Aspiration to democracy;

Respect of human rights, including child rights;

Environmental balance;

Tolerance and peace;

Cultural traditions, etc.

289. In gymnasium education, these values are approached in the context of universal history, State policy, and political and social programmes of different countries. In the context of national history, these values are included not only in the State programme, at its current stage, but also, in a comparison of respect and education of these values in other countries of the world. The Declaration of the Rights of the Child is studied separately, within the topic of "Marriage and family" during classes on "Bases of State and law".

290. High school education provides a basic theoretical education and a wide general culture, necessary for the continuation of education in higher education institutions or in secondary professional education institutions. High school education ends with the Maturity examination.

291. During this cycle of education, general human values are broached through the teaching of philosophy, economy and Romanian literature. In collaboration with the Society for Training and Education in the Field of Human Rights (SIEDO) the curriculum for civic education in high school is being drafted. In this curriculum, the stress will be laid on international documents referring to human and child rights.

292. Regarding school education of children between the ages of 6 and 16, on 10 December 1998, there were 4,377 children out of school (0.58 per cent) in our Republic. Compared to the situation on 15 September 1998, we note a decrease of 787 in the number of children out of school. At the same time, it is alarming that a great part of children out of school are of primary school age (1,080 - 24.7 per cent).

293. Among the causes of non-schooling of children, parents' refusal and the precarious financial state of many families prevail. Due to these reasons, on 10 December 1998, 3,117 children (71.21 per cent of the total number of children out of school) did not attend school.

294. Children of families in a precarious financial state are compelled to work in order to support themselves, thus diminishing their school attendance and possibilities to study and graduate.

295. Shortage of heating fuel, electricity cuts, malnutrition, worn-out school equipment and reduced financial means hinder considerably the process of child personality moulding and development.

296. Secondary professional education is organized as stationary or night education in polyvalent and in professional schools. Professional polyvalent schools provide professional training for a wide range of qualifications - from workers' to technicians'- simultaneously providing high school studies.

297. University education has as the following purposes: moulding of a multilaterally developed and creative personality, high-level training, perfectioning and recycling of specialists and scientists in different fields. University education includes colleges, institutes, universities and academies. Admittance to the university education institutions is carried out through contests, on the basis of the Maturity diploma and of the secondary school graduation certificate. The duration of studies is two to three years in colleges and four to six years in universities.

298. In the past few years, the number of paying students in both private and State institutions has been increasing.

Table 14

	Average number of institutions, (including those funded from the State budget and local ones)	Average number of pupils/students (including at institutions funded from the State budget and local ones) (thousands)	Annual expenditure (thousands of lei), (State budget and local budgets)	Average annual expenditure (lei/person), (State budget, local budgets)
Pre-school institutions:				
1996	1 596 (1 222)	146.9 (117.5)	192 812.1	1 640.5
1997	1 497 (1 246)	138.8 (115.9)	198 753.4	1 713.5
1998	1 399 (1 303)	126.0 (122.5)	139 254.4	1 137.1
Primary schools, general secondary schools, gymnasiums, high schools, incomplete secondary schools:				
1996	1 530 (1 469)	649.5 (632.2)	353 337.1	358.9
1997	1 536 (1 464)	652.7 (635.7)	384 950.0	605.5
1998	1 549 (1 470)	650.7 (638.8)	314 339.8	492.0
Secondary general, night schools:				
1996	10 (11)	2 956 (2.9)	1 236.9	418.4
1997	9 (9)	2.7 (2.8)	1 107.5	389.1
1998	7 (9)	2.5 (2.9)	1 010.0	346.4
Secondary boarding schools:				
1996	20 (20)	7 426 (7 426)	22 333.0	3 007.0
1997	21 (21)	7 655 (7 655)	23 433.0	3 061.1
1998	16 (16)	6 514 (6 514)	21 964.1	3 371.8
Professional technical schools:				
1996	68 (68)	30 408 (30 408)	48 308.8	1 588.7
1997	68 (68)	28 860 (28 860)	57 079.5	1 977.8
1998	52 (52)	24 297 (24 297)	46 707.0	1 922.3
Professional schools:				
1996	4 (4)	612 (612)	988.0	1 614.4
1997	4 (4)	611 (611)	1 675.0	2 741.0
1998	19 (19)	4 556 (4 556)	9 475.0	2 079.3

Table 14 (continued)

	Average number of institutions, (including those funded from the State budget and local ones)	Average number of pupils/students (including at institutions funded from the State budget and local ones) (thousands)	Annual expenditure (thousands of lei), (State budget and local budgets)	Average annual expenditure (lei/person), (State budget, local budgets)
Secondary professional institutions:				
1996	81 (72)	34.0		
1997	80 (72)	32.7		
1998	87 (71)	32.5		
Short-term university education institutions (colleges):				
1996	51 (44)	33.3 (27.5)	37 850.1	1 376.6
1997	53 (44)	32.8 (24.6)	47 699.9	1 935.1
1998	56 (44)	29.7 (22.7)	37 518.3	1 651.4
University institutions:				
1996	24 (12)	58.3 (31.9)	65 406.1	2 050.7
1997	28 (12)	65.6 (37.4)	72 803.1	1 944.1
1998	38 (12)	72.7 (30.5)	65 031.8	2 126.3
Family-type children's homes:				
1996	35 (35)	207 (207)	252.2	1 218.4
1997	34 (34)	198 (198)	294.6	1 487.9
1998	34 (34)	196 (196)	265.0	1 352.0
Republican children's homes:				
1996	3 (3)	204 (204)	784.9	3 847.5
1997	3 (3)	201 (213)	1 184.6	5 561.5
1998	3 (3)	188 (213)	1 250.0	5 868.5

Source: Department for Statistics and Sociological Analysis.

299. At present, 38 universities, 56 colleges and 87 professional schools are functioning, including the private ones. The number of students in 1998 was about 135,000 (82 per cent of the number of students in 1990) as follows: in universities - 72,700 (133 per cent), colleges - 29,700 (59 per cent), professional colleges - 32,000 thousand (55 per cent). The percentage of students paying for their studies in State institutions is 21 per cent, and that of students paying for their studies in private institutions is 16 per cent.

300. Training of staff with budget financing was reduced in 1998 (it was only 59 per cent compared to 1990) because of diminishing budget allocations, which, according to the statistics amounted to 586.7 million lei in 1998, or 79 per cent of the planned budget, including 176 million lei (77 per cent) for the State budget and 410.5 million lei (80 per cent) for the territorial administrative unit budgets, while for the year 1999, only 89 per cent of the budget executed in 1998 was provided.

301. Children with educational problems constitute a significant part of the infantile population and include: children with sensorial deficiencies, with locomotory system deficiencies, children with speaking deficiencies, with mental deficiencies, etc. These children need additional assistance and are distributed in the special education system. Each child, unique in his way, needs help in order to progress and to adapt. In this context, all the children are special and the personal participation, of both the child and of his parents is required in overcoming difficulties encountered in the child's psychic and physical development and in his social integration.

302. In the Republic of Moldova, special education represents an integral part of the unitary public education system.

303. At present, the education and training of children with special needs is carried out by several ministries. Two boarding schools for children with mental deficiencies, located in Orhei and Hincesti, with 291 and 196 pupils respectively are subordinate to the Ministry of Labour, Social Protection and the Family.

304. For children of school age, 64 boarding-type institutions for orphans, for children without parental care, and for children with various physical or psychic deficiencies, function under the Ministry of Education and Science.

305. Of the total number of children being educated in orphanages and children's homes, 362 are orphans and 1,580 are children whose parents suffer from various psychic diseases or children who were taken away from their parents by court decision.

306. Training substance, educational curricula, programmes, and teaching materials are based on individual and differentiate attitude and correspond, to a great extent, to primary and secondary exigencies of the specifics of cognitive and practical activities of children with deficiencies.

307. For children with physical and mental handicap, 37 special boarding schools were functioning in 1997, with 5,336 pupils. For the support of these institutions, 16.6 million lei were allocated from the consolidated budget.

308. The increase in the number of children in these schools from 5,139 in 1996 to 5,336 in 1997, meant that the amount of money spent per child decreased from 3,631 lei in 1996 to 3,531 lei in 1997, even though the overall amount allocated increased from 18.6 million lei in 1996 to 18.8 million lei in 1997.

309. In this period the State provided financial support in the amount of 0.7 million lei from the State budget to a sanatorium boarding school for 206 children with diseases of the cardiovascular system.

Table 15

	Average number of institutions	Average number of pupils/ students	Annual expenditure (thousand lei)	Average annual expenditure per person (lei)
Special boarding schools:				
1996	38	5 139	18 662.2	3 631.5
1997	37	5 336	18 841.3	3 531.0
1998	37	5 425	16 977.5	3 129.5
Sanatorium boarding schools:				
1996	1	233	793.1	3 403.9
1997	1	206	715.5	3 473.3
1998	1	206	780.7	3 789.8

Source: Department for Statistics and Sociological Analysis.

310. In order to ensure the right to education for orphan children and for children without parental care, 777 children studying in State educational institutions benefited from the financial and material support of the State. For these institutions, the following amounts were allocated from the State budget: 2.0 million lei in 1997, 3.38 million lei in 1998 and 8.5 million lei in 1999.

311. According to the statistics, on 1 March 2000, there were 4,300 orphans and children without parental care under trusteeship and 5,300 adopted children in the country. Besides them, 2,800 orphaned and abandoned children are educated in boarding schools. Also, during 1999, 589 orphans or children without parental care were taken into trusteeship and 41 children were adopted in the country. Between 1992 and 1999, foreign citizens adopted 467 children.

Table 16

Children and teenagers between the age of 7 and 16 who were not studying in schools, gymnasiums and high schools at the beginning of the school year

	Total number of children and teenagers between 7 and 16 who do not study in schools, gymnasiums, high schools	Including:			
		Children dispensed from study because of illness	Graduates of grade 9 who left school in grade 10 or 11 (of 12)	Non-schooled children of those possibly to be included in secondary incomplete education (nine grades)	
				Total	% of the total number of children between 7 and 16 who do not study in schools, gymnasiums, high schools
1993/94	14 675	1 535	8 069	5 078	35
1994/95	13 393	1 274	7 251	4 868	36
1995/96	13 834	1 179	8 005	4 650	34
1996/97	10 829	1 003	5 049	4 777	44
1997/98	11 156	1 005	5 659	4 492	40
1998/99	9 696	776	4 188	4 732	49

Source: Department for Statistics and Sociological Analysis.

312. The economic crisis in the country created difficulties in the organization of the education and recovery of children in boarding schools. Children's homes and boarding schools are not funded in compliance with all the provisions, and payments are made with great delays and only partially. This state of affairs makes the support of children with special needs and the creation of better conditions for their life and health protection more complicated.

313. Sexual education. Carrying out of sexual education in schools does not constitute an obligation imposed by law. Topics related to this kind of education (including infection with HIV/AIDS and sexually transmitted diseases) are approached in some general education classes, either by teachers or by guest specialists (doctors, psychologists, etc.). Most of the schools where sexual education is undertaken are located in urban areas; this kind of education is completely lacking in rural areas.

314. Besides classes in school, various international non-governmental organizations, such as: the SOROS Foundation, UNICEF, "Save the Children", the Society for Family Planning and others, support sexual education programmes, either addressed directly to children or devoted to the training of certain professional categories (teachers) who work with children, so that they, in turn, are able to provide necessary information, depending on the level of understanding of each age category. Some of these programmes are targeted at the population in the rural areas; they are among the few initiatives in the field addressed to the rural population.

2. Leisure and spare time activities

315. In accordance with article 3 of the Law on Education of the Republic of Moldova, the State guarantees children the right to rest, spare time, play and recreational activities that are offered by educational institutions.

316. The Law on Child Rights provides for a child's right to develop his intellectual capacities in various out-of-school institutions. Currently, in the country, there are 84 out-of-school institutions, attended by about 50,000, representing 7.8 per cent of the total number of pupils in pre-university education: 48 creativity centres, attended by 33,753 children; 15 technical centres, attended by 7,895 children; 12 children and youth tourism and travel centres, attended by 5,362 children; and 9 centres for young naturalists, attended by 2,771 children.

317. Over the past decade, considerable changes have occurred in the activity of out-of-school institutions. Former social-political clubs and organizations were replaced with ethno-folkloric, handicraft, erudites clubs, and other forms of spare time activity. There is special interest in the technical, sports and touristic fields. Cultural artistic ensembles continue to be overtaxed. The situation is becoming more complicated owing to the fact that out-of-school institutions have the task of making up for the lack of institutionalized artistic education.

318. Aiming at a pleasant and useful organization of spare time by offering educational services, generally free of charge, out-of-school institutions provide a favourable environment for the positive affirmation of children coming from families with modest incomes, of children from socially vulnerable families and of children who need special educational care.

319. In spite of all the economic and social problems, out-of-school institutions provide out-of-school activities on a relatively stable basis. A choir, folklore festivals, fine arts, photography, handicraft exhibitions, choreography contests, sports, tourism, technical-sports competitions, activities for young naturalists and alpine expeditions in the Fagaras Mountains (Romania), the Rila Mountains (Bulgaria), the Olympus Mountains (Greece) have become a tradition. Numerous teams from the out-of-school institutions have performed successfully in various international competitions, exhibitions and festivals in Bulgaria, Germany, Romania, France, Turkey, Poland and other countries.

320. Currently, there are 118 out-of-school artistic institutions in the Republic of Moldova: music, dance and fine arts schools, attended by about 19,905 pupils.

321. On the basis of Government Decision No. 76, of 2 February 1999, 50 per cent of the cost of training children in the above-mentioned institutions will be borne by the institution concerned. The difference between annual planned expenditure and actual expenditure will be covered from the local budget.

322. Because of the increase in education taxes and the precarious economic situation, a decrease in the number of pupils is to be noted, as it is impossible to pay study taxes on time.

323. The out-of-school artistic education system is designed to discover, develop and promote young talents. In this context, pupils of music, dance and fine arts schools have performed well in both national and international contests.

324. In the Republic of Moldova, there are four artistic education high schools: the "Ciprian Porumbescu" Republican Music High School (444 pupils), the "Serghei Rachmaninov" Republican Music High School (292 pupils), the Choreography Republican High School (170 pupils) and the Fine Arts Republican High School (164 pupils). Their activity is oriented towards the development of the child's personality and talent, and cultivation of the child's aesthetic taste, and respect and knowledge of national and universal values.

325. In the 1997/98 school year, pupils of the above-mentioned high schools won 97 prestigious awards in international and national contests and in the 1998/99 school year, they won 147 awards. Twenty-five pupils of the artistic education institutions benefited from grants provided by the "Brindusele Sperantei" Children's Fund in the 1998/99 school year, and 50 pupils in the 1999/2000 school year.

326. Currently, in our country, there are about 200 out-of-school libraries for children and teenagers. In the past few years, the children's library network has been facing difficulties regarding increasing their stock of books, maintenance and obtaining funds. These difficulties are partially overcome by extrabudgetary funding and sponsorships.

327. There are about 40 children's artistic ensembles active in the country, such as: the "Focusor" Folk Dance Ensemble, the "Moştenitorii" Ethno-folkloric Ensemble, the "Florile dalbe" Folk Ensemble of Chişinău City, the "Ciobănaşul" Folk Dance Ensemble of Cantemir Town, the folk dance ensembles for children of Baimaclia village, the "Arţăraşul" Ensemble of Pelenia village, the Răşcani village ensemble, the "Cimbrişor" of Drochia Town, etc.

328. The Ministry of Culture of the Republic of Moldova not only supports the education process in out-of-school artistic institutions, high schools and colleges, but also various children's activities in studios, creation centres and artistic groups.

329. In 1997, 25.5 million lei were allocated from all budget levels for the purpose of ensuring the functioning of 288 out-of-school institutions.

330. Besides this, for the organization of summer holidays for children at boarding schools and for those from socially vulnerable families, 1 million lei were allocated in 1998 from the Government Reserve Fund.

Table 17

Out-of-school institutions for children (at the end of the year)

	Institutions					
	1992	1995	1996	1997	1998	1999
Technical creation clubs	50	48	48	47	47	46
Young technician stations	32	16	15	15	11	10
Young naturalist stations	19	9	9	9	7	6
Autonomous touristic bases	25	11	12	11	9	8
Music and fine arts schools	127	123	119	119	118	115
Libraries for children	304	227	226	211	206	184
Sports schools for children and teenagers	129	100	87	83	83	79

Table 18

Children benefiting from these institutions' services (thousands)

	1992	1995	1996	1997	1998	1999
Technical creation clubs	39.0	35.7	33.8	32.6	33.0	28.8
Young technician stations	16.6	7.3	7.9	8.2	6.3	6.0
Young naturalist stations	6.9	3.1	2.8	2.8	2.4	2.3
Autonomous touristic bases	10.5	5.1	5.4	4.8	3.6	2.7
Music and fine arts schools	25.8	21.6	20.9	20.4	19.9	16.3
Libraries for children	312.5	239.3	223.4	216.3	211.7	203.7
Sports schools for children and teenagers	54.4	41.0	37.5	35.3	34.1	32.7

Source: Department for Statistics and Sociological Analysis.

331. Because of the lack of financial means, in the past six years a series of out-of-school institutions have been shut down.

3. Minority children

332. The State policy of the Republic of Moldova in the field of child rights is aimed at guaranteeing implementation of the basic principles of the Convention on the Rights of the Child, with no discrimination, irrespective of race, language, religion, national, ethnic or social origin, or other situation.

333. Article 30 of the Convention, according to which national minorities "cannot be denied the right to have, together with other members of their group, their own culture, to use their own language" is a constitutional norm in the Republic of Moldova (art. 10 of the Constitution) and is a component of the Law on Education of the Republic of Moldova, which provides equal opportunities for all children, including minority children (640,400 children), to benefit from education.

334. Currently, there are 1,086 Moldovan language schools (459,700 pupils), 257 Russian language schools (121,200 pupils), 125 mixed schools (58,900 pupils) where 32,200 pupils are taught in the Moldovan (Romanian) language, 26,400 in the Russian language, and some 330 in the Ukrainian language. In the districts densely populated by national minorities, on parents' request, education is organized in their mother tongue (Gagauz, Bulgarian, etc.). In Chişinău, on the initiative of communities, Sunday schools are functioning where the Lithuanian, Polish, German and Azeri languages are studied.

Table 19

Distribution of schools and pupils, by language of study

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99
Total number of schools	1 432	1 444	1 458	1 470	1 485	1 493	1 505
Of which, number of schools with teaching in the:							
Romanian (Moldovan) language	1 020	1 031	1 047	1 065	1 081	1 097	1 115
Russian language	311	282	279	281	277	277	266
Romanian (Moldovan) and Russian languages	99	123	123	113	115	111	114
Ukrainian and Russian languages	-	6	7	7	8	3	3
Bulgarian and Russian languages	-	-	-	1	1	1	3
Hebrew language	2	2	2	2	2	2	2
English language	-	-	-	1	1	1	1

Table 19 (continued)

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99
Turkish language	-	-	-	-	-	1	1
Total pupils, thousands	609.4	614.9	623.9	636.9	643.7	647.1	645.0
Of which, studying in the:							
Romanian (Moldovan) language	431.5	444.9	458.5	477.4	485.0	492.0	495.1
Russian language	177.5	168.9	163.6	156.9	156.4	153.9	148.4
Ukrainian language	-	0.6	1.3	2.2	1.7	0.3	0.3
Bulgarian language	-	-	-	0.03	0.03	0.06	0.06
Hebrew language	0.4	0.5	0.5	0.3	0.5	0.6	0.6
English language	-	-	-	0.1	0.1	0.1	0.1
Turkish language	-	-	-	-	-	0.2	0.2
Of the total number of pupils, those studying their mother tongue as a discipline:							
Gagauz language	25.7	19.9	31.3	29.2	32.1	31.8	32.2
Bulgarian language	6.8	6.1	6.8	7.1	7.8	8.3	7.8
Ukrainian language	1.3	0.6	1.3	1.8	2.4	2.9	2.3
Polish language	0.02	0.03	0.04	0.06	0.06	0.04	0.1
German language	-	0.05	0.1	0.4	0.5	0.1	0.1
Turkish language	-	-	-	-	-	0.1	-

Source: Department for Statistics and Sociological Analysis.

335. The State equal right to learn the official language is ensured to all children, irrespective of their nationality. They are offered possibilities of going to spend holiday time in their countries of origin, where they study their ethnic language and history.

336. In the Republic of Moldova, a series of presidential decrees and government decisions have been adopted that provide for State support of national minorities in the development of their culture and in studying their mother tongue. As a result, kindergartens, schools, gymnasiums, and high schools with teaching in minority languages and in the official language have been opened. In Chişinău and other localities, libraries with book collections in Russian, Ukrainian, Bulgarian, Gagauz, Yiddish, Hebrew and the Belarusian languages have been established. There are also newspapers and radio and television programmes in minority languages. Representatives of ethnic minorities and of ethno-cultural organizations have been supported in establishing permanent contacts with their historical homeland.

337. One such form of collaboration is the activity of the Department for National Relations and Languages. In accordance with a decree of the President of the Republic of Moldova, the Nationalities House - where the administrative centres of some ethno-cultural organizations are located, and events and activities are carried out - was created as an affiliate of the Department.

338. It has become a tradition every year for festivals of National Culture on the theme of the International Day of the Child to be organized during the Christmas holidays at the Department for National Relations and Languages, in which children of different nationalities participate. Also, exhibitions of the art of talented children are held at the Department.

4. Cultural activities

339. The Children's and Teenagers' Programme editorial staff of the National Radio produce and broadcast a series of shows regarding popularization and respect of child rights. In collaboration with the Centre for Information and Documentation on Child Rights, reportages reflecting this topic, made in schools and high schools, were broadcast. A series of live shows, entitled "We also have rights", were produced, offering children the possibility to ask representatives of UNICEF and of the central public authorities questions regarding their rights and respect for their rights.

340. On the International Day of the Child every year, shows entitled "Children change the world" are produced, which include:

A message addressed to children by the President of the State;

Children's questions concerning the respect of their rights, addressed to public authorities in the field of education, health and social assistance;

"Flight of hope" - children have dreamed of the future of their country, what would they change for the better, if they were president, prime minister, a minister?

341. Also, the Children's and Teenagers' Programme editorial staff of Moldova Radio, in collaboration with the Centre for Information and Documentation in the Field of Child Rights, put on the "Aventurile lui Ghiocal" ("Ghiocel adventures") show at the National Opera House. Every year, on 1 June, the "Dulce vis, copilaria" ("Childhood, a sweet dream") republican children's holiday is held at Radio House. This year, about 500 children participated and enjoyed the diverse programme of the holiday. During the live show, the start of the "Together we can do more" charity action was announced. The purpose of this action was to collect funds for the purchase of wheelchairs for invalid children. This charity action, which was carried out for a six-month period, was organized in collaboration with the UNICEF office and the Centre for Handicapped Children's Recovery.

342. In the Republic of Moldova several publications for children and teenagers are issued regularly:

Florile dalbe - a weekly magazine for children and teenagers. It covers school topics, issues regarding education in out-of-school institutions, creativity centres for children, libraries, music schools, fine arts schools and hobby clubs;

NOI - a literary-journalism magazine for teenagers, issued every month;

Alunelul - a pre-school magazine, reflecting issues related to pre-school institutions;

a - an illustrated magazine for children and teenagers, published by a private company;

2 ore plus trei iezi - a magazine published by the Chişinău Culture Department, "Noi" Association and "Abecelusi" Publishing House.

343. A fact worth mentioning is that in high schools magazines and newspapers are produced by the pupils: Creangă verde, produced by the Ion Creangă High School; Dante, produced by the Dante Alighieri High School; Argonauţii, produced by the Boris Cazacu High School in Nisporeni, and others. On national television, regular shows are broadcast, such as From 5 to 10, a tele-magazine aimed at promoting young talent.

X. SPECIAL PROTECTION MEASURES

1. Social allocations

344. The State pays special attention to children whose parents were exposed to war risks and to accidents that had implications for their health.

345. In compliance with article 11 of Law No. 909-XII on Social Protection of Citizens who Suffered from the Chernobyl Catastrophe, of 30 January 1992, family members who are incapable of working who were supported by a participant in the clean-up after the Chernobyl accident, have the right to a monthly compensation of 50 per cent of the minimum age-category pension, in the case of losing their sponsor, without taking into account the pension established for these persons. Children who lost their sponsor will be paid a single social compensation in the amount of a minimum salary.

346. On 25 February 1998, the Parliament of the Republic of Moldova adopted the Law on the Modification and Completion of the Law on Social Protection of Citizens who Suffered from the Chernobyl Catastrophe. According to this law, certain compensation, assistance and facilities are established both for participants and for children or families that lost their breadwinner as a consequence of the accident.

347. In conformity with article 9 of the Law, families that lost their breadwinner as a consequence of the Chernobyl catastrophe benefit from a single compensatory payment, equivalent to 15 average salaries.

348. For the purpose of ensuring social protection and medical assistance to children born after 26 April 1986, one of whose parents suffered from the Chernobyl catastrophe, as well as to children removed from the "dead zone", until the age of 18 a series of facilities are provided, such as: annual free tickets for resorts and sanatoriums, located in the territory of the country - or, if this is not possible, financial compensation in an amount of the average cost of the ticket - free medicine, free round-trip transportation by car, train, plane or ship to the respective resort or sanatorium for them and for one of their parents or parental substitutes. In the case of serious illness of haematopoietic organs (acute leukosis), the thyroid gland (adenoma, cancer) and of other organs with malignant tumours, children and teenagers have the right to facilities provided under article 7 of the present Law.

349. Parents of children under the age of 14 benefit from the following facilities:

(i) Payment of medical leave to one parent for child care (when they submit a medical leave certificate), 100 per cent, irrespective of their length of service;

(ii) Admittance to the treatment institution of one of the parents of the ill child (on a doctor's recommendation) for the entire treatment period, with payment of medical leave.

350. At the same time, we have to admit the fact that guarantees provided are not always respected entirely. Because of the insufficiency of funds, there are currently considerable delays in the payment of indemnities and compensation, and in supplying reimbursable medicines prescribed by doctors.

2. Abuse prevention

351. Since January 1997, the National Centre for the Prevention of Abuse of Children has been operating in Moldova. This is a civil institution having as its main field of activity the protection of children subjected to various forms of maltreatment. The mission of this organization remains the improvement of children's and adults' living standards through diminishing the level of violence towards people, through promoting ideas of a constructive education and inter-human relationships, based on humanism, good will and generosity.

352. At present, CNPAC is successfully implementing the Abused and Neglected Child Psychosocial Assistance Network project. The objective of this project is to provide psychosocial assistance services for maltreated children after it was found necessary to institute specialized services to assist abused and neglected children. The demand for services of this type is increasing. Among the basic services provided are:

Identification of abused and neglected children;

Assessment of the psychosocial state of children in risk situations;

Study of the families and social network of abused and neglected children;

Investigation and psychological recovery of the abused child;

Monitoring children who are in risk situations;

Organizing activities for parents and children for the prevention of child abuse and neglect.

The goals of this project are:

Increasing and improving psychosocial services for:

(i) Children submitted to various forms of violence (physical, psychological, sexual) and neglected children;

(ii) Families that use abusive disciplinary methods and in which children are maltreated.

These goals are reached through accomplishing the following objectives:

(i) Ensuring the functioning of psychosocial assistance offices for abused children and for their families;

(ii) Promoting collaboration and partnership relationships with the Education, Science and Sports Department, Department of Child Rights Protection, Department of Health, and with the Public Order Department of the Chişinău Police Inspectorate;

(iii) Continuous training of specialists involved in providing psychosocial services to abused children;

(iv) Facilitating the transfer of international practice in the field of psychosocial assistance for abused children;

(v) Ensuring mutual collaboration among the Network offices;

(vi) Rendering society sensitive to problems related to the maltreatment of children; identification of abused and neglected children; reporting of suspect cases to the relevant authorities; providing assistance to victims of violence; prevention of child abuse and neglect.

353. The services created by CNAPC represent a multidisciplinary model for approaching the problem of abuse. By 1 July 2000, about 50 specialists in various fields were trained to ensure a multidisciplinary approach towards this problem. During 2000, over 100 such specialists will be trained. In collaboration with other organizations, about 60 seminars were organized, in which more that 1,000 parents participated. Also, statistics on cases of child abuse and neglect will be prepared.

3. Sexual exploitation and abuse

354. The Criminal Code of the Republic of Moldova establishes criminal liability for offences of a sexual character. Thus, according to article 102, rape, defined as sexual intercourse by making use of physical force, threat or by taking advantage of the victim's incapacity for defence, will be punished with a jail sentence of between three and seven years.

355. Group rape or the rape of an under-age person will be punished with a jail sentence of between 5 and 15 years.

356. Rape with extremely serious consequences, as well as the rape of a minor under the age of 14, will be punished with a jail sentence of between 10 and 25 years.

357. Article 103 stipulates that satisfaction of sexual desire by physical force, threat or by taking advantage of the victim's incapacity for defence, in perverse forms, either committed by a person who previously committed such an offence, or committed by a group, or on an under-age person, will be punished with a jail sentence of between 5 and 10 years.

358. Perverting persons who have not reached the age of 16 will be punished with a jail sentence of up to three years (art. 104).

359. Homosexual acts committed either with an under-age person, or by making use of physical force, or by taking advantage of the victim's incapacity for self-defence, will be punished with a jail sentence of between two and five years (art. 106).

360. Forcing or assigning a person to prostitute, facilitating the practice of prostitution or obtaining profit from a person's practice of prostitution, as well as recruiting of persons for prostitution, or human trafficking for this purpose, will be punished with a jail sentence of between three and seven years or with a fine of between 500 and 3,000 minimum salaries. The same offences, if committed against an under-age person or having serious consequences, will be punished with a jail sentence of between 5 and 10 years (art. 105/2).

361. According to data provided by the Ministry of Internal Affairs, in the period between 1993 and 1999, the following cases of sexual abuse of under-age persons were recorded:

Number of cases	1993	1994	1995	1996	1997	1998	1999
Recorded:	108	109	77	97	108	75	109
Investigated:	85	90	65	84	101	70	102
Committed by:							
men	55	86	71	47	97	63	62
women	-	-	-	3	-	3	-
minors	14	14	19	14	23	16	13

4. Drugs (art. 33)

362. Articles 225 and 226-1 of the Criminal Code of the Republic of Moldova incriminates trafficking in drugs, including illegal fabrication, purchase, storage, transport and delivery of drugs for the purpose of illegal trade, or illegal poppy cultivation for opium or for oil and the illegal cultivation of cannabis.

363. The illegal fabrication, storage, transport and delivery of narcotics, without the purpose of selling them, will be punished with a jail sentence of up to three years or with a fine of up to 50 minimum salaries (art. 225-5).

364. The illegal purchase or storage of narcotics in small quantities, without the purpose of selling them, or the consumption of narcotics without a doctor's prescription, committed for the second time, within one year after the application of an administrative sanction for the same offences, will be punished with a jail sentence of up to two years or with a fine of up to 30 minimum salaries (art. 225-7).

365. Article 225-4 provides that, inciting a person to consume narcotics will be punished with a jail sentence of up to five years. The same offence committed against two or more persons or against an under-age person or committed by a person previously convicted for incitement to consume narcotics, will be punished with a jail sentence of up to 10 years. The failure of parents or their substitutes to fulfil their supervisory, educative and training duties with regard to the consumption by minors in their charge of narcotics without a doctor's prescription will entail a warning or the imposition on the parents or substitutes concerned of a fine of up to three minimum salaries (article 292 of the Code on Administrative Contraventions).

366. Drug trafficking and addiction induce a subtle and perfidious form of slavery, within which members of networks are organized according to organized crime principles and act in the spirit of a conspiracy imposed by force.

367. In the past few years, in spite of the modest financial state of the majority of the population of the Republic of Moldova, alarming trends towards the creation of a "drug market" have been noted.

368. According to the statistics of the Republican Narcotics Dispensary of the Ministry of Health, there are 4,436 registered drug consumers. Among these, 59 per cent are consumers of opium, 23 per cent of cannabis and marijuana, 6 per cent of ephedrine, and 12 per cent of other narcotic and psychotropic substances. The statistics for drug consumers by age category are the following:

Under 15 years:	20
16-18 years:	309
19-25 years:	2,128
26-30 years:	1,081
31-35 years	530
Over 35 years:	367

369. Significant efforts by the Ministry of Internal Affairs to fight drug trafficking and illegal consumption resulted in the confiscation in 1999 of 1,230 kilograms of narcotics, among which:

Poppy capsules:	706 kg
Marijuana:	478 kg
Opium solution:	28 kg
Noxiron:	321 pills
Codeine:	682 pills
Ephedrine:	105 ml
Ephedrine:	9.134 kg
Others:	4.5 kg

370. The statistics by age of persons who committed drug trafficking offences in 1999, are the following:

14-15 years:	2 persons
16-18 years:	84 persons
18-24 years:	326 persons
25-30 years:	114 persons
Over 30 years:	134 persons

371. Analysis of the effects of drug consumption on age segments of the population show that: up to 15, the morbidity rate is 2.8 per 100,000; between 15 and 18, 17.4; between 19 and 34, 292.6; and over 35, 15.3. Drug addicts are 88 per cent male.

372. We need to emphasize that lately, due to the lack of financial resources, the section for drug intoxication investigation of the Centre of Legal Medicine of the Ministry of Health has not been working at full capacity, a fact that diminishes the possibility of identifying new types of drug used.

373. On 6 May 1999, the Parliament of the Republic of Moldova adopted Law No. 382-XIV on the Circulation of Narcotic and Psychotropic Substances and their Precursors. The legislation of the country, particularly the Criminal Code, the Criminal Procedure Code and the Code on Administrative Contravention are adjusted in accordance with the above-mentioned Law.

374. For the purpose of fighting and preventing drug consumption and trafficking, the Programme to Fight Drug Abuse and Trafficking has been adopted by the Government of the Republic of Moldova. Implementation of the Programme will lead to the strengthening of the efforts of all State institutions in fighting drug consumption and trafficking, and to diminishing the danger of these plagues for society.

5. Children in conflict with the law; sentence application for under-age persons; treatment of children deprived of their liberty

375. Article 25 of the Constitution of the Republic of Moldova guarantees individual freedom and safety.

376. Guarantee of freedom is a rule of the criminal process. Any individual being under criminal investigation or on trial, will be treated with respect for his or her human dignity.

377. Article 10 of the Criminal Code of the Republic of Moldova establishes criminal liability for persons who, at the moment of committing the offence, had reached the age of 16.

378. Persons between 14 and 16 who committed an offence are criminally liable only for: murder, intentional physical harm that leads to damage to health, rape, hold-ups, robbery, theft, exceptionally large embezzlement of private property, serious or exceptionally serious hooliganism, premeditated destruction or deterioration of private property, embezzlement of narcotic substances, weapons, ammunition or explosives, and intentional commission of acts that can cause a train derailment.

379. Article 23 (2) of the Criminal Code provides that a jail sentence for a person who, at the time when the offence was committed, had not reached the age of 18 cannot exceed 10 years. In the case where a juvenile between 16 and 18 committed a crime punishable by a life sentence, the jail term cannot exceed 15 years.

380. Article 60 of the Criminal Code stipulates that if the court considers that correction of a person under 18 who committed an offence that does not present a serious danger for society is possible without application of a criminal punishment, a series of educational measures can be imposed on such a person, such as: the obligation to apologize publicly, or in another way set by the court, to the damaged person; a reprimand or severe reprimand or warning; the obligation for the juvenile who has reached the age of 15 to pay damages, if the juvenile has his own income, and if damages do not exceed a minimum salary; entrusting the juvenile to his parents or their substitutes for strict supervision; entrusting the juvenile for supervision to a work collective, to a non-governmental organization, with its consent, or to some citizens, at their request; or internment of the juvenile in a special education institution or in a medical-educational institution.

381. According to article 25 of the Constitution of the Republic of Moldova, "individual freedom and security are inviolable" (para. 1);

> "Searching, detaining or arresting a person are allowed only in cases, and by the procedure, provided for by law." (para. 2); "The period of detention in custody cannot exceed 24 hours" (para. 3);
>
> "Arrest will be carried out only on the basis of a warrant for a maximum period of 30 days. The term of detention can be prolonged to a maximum 6 months, and, in exceptional cases, with the approval of Parliament, to 12 months" (para. 4);

"The person detained in custody or arrested shall be informed without delay of the reasons for his detention or arrest and the charges against him. The reasons for his detention or arrest and the charges shall be presented only in the presence of a defence attorney, selected by the defendant or assigned ex officio" (para. 5);

"If the reasons for detention in custody or arrest have ceased to exist, the person concerned must be released without delay" (para. 5).

382. Article 73 (3) of the Criminal Procedure Code indicates that, for juveniles, a personal guarantee or an NGO guarantee or supervision by parents, trustees or guardians can be used as preventive measures and, for juveniles interned in educational institutions, supervision by the administration of that institution. Measures of preventive detention can be applied for juveniles only in exceptional cases, if the seriousness of the offence imposes it.

383. For juvenile defendants, who, on the date when the offence was committed had not reached the age of 16, the term of detention can be prolonged only to four months. For juvenile defendants who, on the date when the offence was committed had not reached the age of 18, the term of detention can be prolonged only to six months (art. 79 (3)).

384. According to article 21 of the Constitution, any person accused of an offence is presumed innocent until his guilt is legally proved, in a fair trial in which all the guarantees for his defence were assured.

385. Legal assistance for the juvenile defendant or accused is compulsory (article 44 of the Criminal Code).

386. Presumption of innocence, an important principle of the criminal trial, requires that proper attention be paid to the respect of fundamental rights and freedoms, and that limitations of these rights, imposed after criminal investigation, not be abusive or excessive.

387. In hearing witnesses aged under 14, and, when the court finds it necessary, also in hearing witnesses between the age of 14 and 16, a teacher will be called upon. If necessary, the parents, trustees or guardians of the under-age witnesses are called upon. After having been heard, a witness who has reached the age of 16 leaves the courtroom, except in cases where the court considers that the presence of that witness is necessary (articles 170 and 173 of the Civil Procedure Code; articles 132 and 139 of the Criminal Procedure Code).

388. We need to mention that, nowadays, the negative influence of economic factors, has led to a dramatic decrease in the level of welfare, and to an aggravation of poverty, which has become a mass phenomenon. An unfavourable family climate forces children to abandon their home and to live in the street, under the influence of delinquents. Lack of money has made some parents use their children for abusive activities, classified as offences (prostitution, theft, begging).

389. Of the population aged under 18, 23 per cent are aged between 0 and 4 and 77 per cent are between 5 and 18; over 52 per cent are females and 48 per cent males; about 54 per cent live in rural localities and 46 per cent in urban localities. More than one third of these children come from poor families and constitute the basis of "the risk group". Their situation depends on their parents' income, which, under the circumstances of a prolonged economic crisis, is getting worse and worse.

390. Most of the offences are against property (77 per cent). Cases of serious body injury have increased by 88 per cent and blackmail offences have multiplied three times.

391. In 1990, 1,595 juveniles were made criminally liable, of whom: 8 for first degree murder and 1,241 for theft of private property. In 1998, 1,582 juveniles were made criminally liable, of whom: 6 for first degree murder and 1,348 for theft of private property. In 1999, 1,531 juveniles were made criminally liable, of whom: 5 for first degree murder, 12 for intentionally causing bodily injuries, 17 for rape, 57 for hooliganism, 64 for drug consumption and 1,291 for theft.

392. The juvenile sanctioning system comprises two forms of limiting the freedom of juveniles:

An educative measure of interning them in a re-education centre;

A jail sentence.

393. Internment in a re-education centre can be pronounced on juveniles until they reach the age of 18. It can be prolonged for no more than two years, if this is considered necessary for the accomplishment of the educational purpose. There are two re-education centres in the Republic of Moldova.

394. Chapter 14 of the Code on Execution of Criminal Law Sanctions provides for the application of a jail sentence to juveniles. Thus, according to article 106 of this Code, juveniles sentenced to imprisonment will serve in re-education colonies.

395. Article 116 of the Code sets forth the organization of the education and training process. For the purpose of the correction of the convicted juvenile and for his preparation for work, a unique education and training process is organized in the re-education colonies, oriented to educating the juvenile convict in the spirit of respect for the law, conscience and morality and for the improvement of his general culture and professional training level. Educational work is carried out, depending on individual particularities, on the convict's personality, on the degree of his social-pedagogic neglect and on his life experience.

396. In re-education colonies the education of convicts who have not finished their studies is carried out, depending on the possibilities. General and professional education is carried out on the basis of the curricula of general education schools and professional education is carried out on the basis of the programme of professional workshops in schools. Training in productive tasks for a convict does not exceed 10 hours. Technical input for the education-training and

production process is provided by subdivisions of the Ministry of Justice. Methodological guidance and control over the education-training process is assured by the Ministry of Education and Science.

397. A convict who has reached the age of 18 and who is not reformed, can be transferred from a re-education colony to a penitentiary to complete his sentence. A convict who has reached the age of 20 is transferred to a correction colony or a penitentiary, depending on the danger of his offence and on his behaviour, to complete his sentence. Transfer of the convict is decided by the court, on the basis of an approach made by the head of the colony.

398. In re-education colonies, a convict, whose behaviour has started to improve, can be transferred three months before the end of his sentence from detention conditions to re-socialization conditions, in order to be prepared for his release. In such cases, he lives in social rehabilitation territory outside the colony, without guards, but under surveillance. A convict in re-socialization conditions can be recommended in the manner established by law, for early release on probation or for the cancellation of the unexecuted part of the sentence.

399. The detention period can be reduced through release on probation. Thus, if at least one year has passed since the date of internment in a re-education centre and the juvenile has given convincing proof of rehabilitation, release on probation can be ordered before he reaches the age of majority. Juveniles convicted to a jail sentence, when they reach the age of 18, if they have completed a part of the sentence, and strongly prove they have corrected themselves, can be released on probation. For persons who have reached the age of 18, the conditions for release on probation are the same as for adults.

400. There is a Re-education Colony through Work for Boys in Lipcan Town. According to data provided by the Department of Penitentiary Institutions of the Ministry of Justice, the situation with regard to the number of juveniles interned in the colony is the following:

1 January 1993	253
1 January 1994	269
1 January 1995	231
1 January 1996	226
1 January 1997	183
1 January 1998	151
1 January 1999	148
1 January 2000	65
1 June 2000	76 (of whom 23 had attained the age of majority)

401. In 1999, by a Decree of the President of the Republic of Moldova, a considerable number of juvenile convicts were amnestied. The statistics for juvenile convicts as of 1 June 2000 was as follows:

By offence committed:

Murder	16
Slight bodily injury	1
Rape	14
Theft	17
Robbery	19
Theft in exceptionally high proportions	4
Drug consumption and storage	1
Other offences	4

By length of jail sentence:

3 years	16 juveniles
5 years	15 juveniles
10 years	43 juveniles
15 years	2 juveniles

By education level:

Without studies	1
Medium incomplete studies	16
Medium studies	59

By criminal record:

17 With criminal record

59 Without criminal record

402. In the Re-education Colony, there is a normal school for the completion of medium studies, as well as a technical school for obtaining a qualification in a handicraft. Juvenile convicts are provided with a sports complex, a cinema, a concert room and a library. The administration of the Colony organizes sports competitions, concerts, meetings with missionaries of religious confessions and an annual gathering with their parents. Parents have no restrictions on seeing their children.

403. The living conditions of juveniles in the Colony are much better than those in the penitentiaries for adults. In accordance with a government decision, norms have been set for food supply to juveniles in detention. They are provided with three meals a day. The reception of parcels destined to them is not restricted. Juveniles are provided with clothes by the institution and are also allowed to wear clothes brought by their family. The administration of the Colony distributes among the juveniles humanitarian aid offered by national and international charity organizations.

404. The Colony also has at its disposal agricultural land, where juveniles capable of work are trained in cultivating agricultural products.

405. Female juveniles are detained in the normal regime section within the Penitentiary for Adult Women of Rusca village. The number of female juvenile detainees was as follows:

1 January 1993	9
1 January 1994	14
1 January 1995	9
1 January 1996	12
1 January 1997	5
1 January 1998	8
1 January 1999	5
1 January 2000	5
1 June 2000	5

406. Female juvenile detainees also learn some handicrafts (mainly tailoring) and have the same access to humanitarian aid, as well as to meetings with their parents. But they do not have the possibility of continuing their education.

6. Illegal removal of children

407. The Convention on the Rights of the Child establishes the obligation of all State parties to take all necessary measures, bilaterally and multilaterally, to prevent the kidnapping and trade of children for any purpose and in any form.

408. The existing legal framework does not provide special measures regarding unaccompanied minors staying illegally in other countries. From this point of view, minors are treated in the same way as adults who enter a country illegally and are repatriated in accordance with bilateral agreements signed by the Republic of Moldova.

409. In domestic law, the Constitution proclaims individual liberty and security as inviolable (art. 25). The State takes all the necessary measures for the prevention of the kidnapping, sale and trafficking of children, for any purpose and in any form (article 30 of the Law on Child Rights, No. 338 - XIV, of 15 December 1994).

410. The Criminal Code of the Republic of Moldova stipulates that acceptance of a reward in any form by a parent, trustee (guardian) or any other legal protector of a child for giving his consent to adopt a child or for other purposes related to adoption, or for transmitting the child to other persons, who are not his parents, in another way than that provided by law, as well as for giving inaccurate data concerning the child's identity, will be punished with a jail sentence of between 3 and 10 years, with confiscation of the reward.

411. Exercise of pressure on a parent, trustee (guardian) or other legal protector of a child, in any way, for the purpose of obtaining his consent to adopt or to give away the child, as well as for the purpose of making him give inaccurate data on the child's identity, will be punished with a jail sentence of between 7 and 15 years (art. 112-2).

412. Taking a child out of the Republic of Moldova using fake documents or in any other illegal way, as well as abandoning a child abroad, will be punished with a jail sentence of between 5 and 12 years (art. 112-3).

413. Kidnapping or substitution of a child is punished either with a jail sentence of up to three years or with a fine in an amount of up to 100 minimum salaries. The same offences, if committed for profit, for revenge or for other low reason, will be punished with a jail sentence of between 5 and 15 years (art. 113).

414. Sale or trafficking of children, for any purpose and in any way, including by parents or by their surrogates, will be punished with a jail sentence of [text missing] (art. 113-1). In the last few years, trade and trafficking of children has spread worldwide. Unfortunately, Moldova has not been spared. According to data provided by the Information Department of the Ministry of Internal Affairs, in the period between 1993 and 1 May 2000, 21 cases of trafficking of children were identified. The first case was identified in 1998, 17 cases were identified in 1999 and 3 cases were identified in the first five months of 2000.

415. Through non-governmental initiatives (Save the Children in collaboration with International Social Service), investigations were carried out and programmes were implemented for the purpose of determining the seriousness of this phenomenon and assisting children who escape from such situations. Through these programmes, 69 international cases were identified, among which 17 involved girls between the ages of 16 and 18. They had been illegally taken, with fake identity documents, to Western countries (Italy, Germany, Greece), as well as to Albania and to the internationally administered region of Kosovo, and forced into prostitution. With the support of Save the Children, these under-age girls were offered the opportunity to continue their education, to learn a profession and to be socially reintegrated.

7. Refugee children

416. The armed conflict which started in 1992 endangered the lives of thousands of people who became the target of oppression owing to their political convictions. Tens of thousands of people had to leave their homes and flee the conflict area. The Government of the Republic of Moldova adopted Decision No. 172 on Some Urgent Measures for Helping Refugees Who Were forced to Leave their Homes Located in the Territory of the Republic of Moldova, on the Left Bank of the Dniester River, which the priority tasks of the local self-administration authorities in

creating basic living conditions for internally displaced people. On 26 March 1992, the Government of the Republic of Moldova adopted Decision No.197 on the Creation of a National Commission for the Coordination of Action for the Material Supply of Refugees and on the Approval of the Regulations on the Order for Assistance to Refugees who were forced to leave their Homes, located in the Territory of the Republic of Moldova, on the Left Bank of the Dniester River. "Refugees", in this Decision, referred to people transferred against their will in the interior of the country. The Ministry of Internal Affairs had to face the problem of temporary registration of transferred families at their new address. At a meeting of the Commission on 9 September 1992, the Head of the General Staff of Civil Defence of the Republic of Moldova provided information on 2,620 people involuntarily moved in the country (including 1,310 children), of whom 400 remained without a home. The number of registered people continued to increase. On 21 November 1992, 3,601 people involuntarily transferred within the country were registered.

417. Consequently, the problem of ensuring houses for people involuntarily moved within the country became a priority, as thousands of people were having to live in hostels, hotels and sanatoriums. For the purpose of solving this problem, on 24 November 1993 Government Decision No. 658, on Ensuring Houses to People of the Eastern Districts of the Republic of Moldova Forced to Leave their Homes, was adopted. As a consequence of this Decision, the process of apartment distribution started. By 1 January 1995, 1,042 families had requested a place to live, 872 of which were allocated apartments in different towns on the right bank of the Dniester River. There are still 213 families of those registered in 1992 which have not been allocated an apartment, either families of participants in the armed conflict or families who were forced to move for political reasons.

418. The Ministry of Education, through its orders, has offered asylum applicants access to primary education.

419. For the purpose of providing assistance to the Government of the Republic of Moldova in establishing an adequate legislative framework and procedure for assisting people who need international protection, in accordance with international standards, the Office of the United Nations High Commissioner for Refugees (UNHCR) opened a branch office in the Republic of Moldova in 1997. The Cooperation Agreement, signed with the Government in 1998, stipulates that UNHCR principles applying to humanitarian protection and assistance to refugees apply to asylum applicants and to internally displaced persons.

420. In 1998, UNHCR expanded its programme, in order to assist people internally displaced in the area controlled by the Government, as a consequence of the military conflict in Transnistria. The first projects involved the renovation, in 1992, in Dorotcaia, a village located on the left bank of the Dniester River, of an abandoned block of flats, where 12 internally displaced families were given a place to live, and also the rehabilitation of a dilapidated primary school. In 1999, UNHCR focused its efforts on the reconstruction of hospitals and educational institutions in Chişinău and in the area affected by the 1992 conflict. Total costs amounted to US$ 170,000.

421. Among the schools that have benefited, we can mention: the "Ion Creanga"-Romanian-English High School, Gymnasium Boarding School No. 3 (both located in Chişinău) and schools in Cocieri, Chiperceni, Malovata Nouă, Pârâta, Dubăsari and Doroţcaia villages. Under its programme of humanitarian assistance, UNHCR also purchased furniture for schools in Ribnita, Dubasari, Malovata Noua and Cocieri.

422. Among other UNHCR activities for children, we can mention the evening party at the end of 1998, organized in collaboration with UNICEF and the Ministry of Education for 55 refugee children, 130 children of internally displaced families and 170 children orphaned as a consequence of the armed conflict. At the moment, assistance is provided to children younger than 2, to single mothers and to families with many children.

423. At the request of the Ministry of Health and of Chişinău Municipality, UNHCR contributed financially to the rehabilitation of the Municipal Emergency Centre, hospitals in Criuleni and Rezina, the Pneumonological Clinic and Hospital No. 3 for Children in Chişinău City, which provide care to refugees and to internally displaced persons, as well as to persons in other social categories.

424. Currently, about 1,000 NGOs are working in the Republic of Moldova, of which, 20 are organizations of participants (and of widows and mothers of participants) in the 1992 military conflict. In 1998, the Confederation of Organizations of Participants in the Fight for the Integrity and Independence of the Republic of Moldova, which has as a purpose the protection of participants and veterans, and all people who suffered from the military conflict in the Eastern Region of the Republic of Moldova - internally displaced persons and the mothers, wives and children of those who died - and assistance in solving their social, economic and cultural problems.

8. Children in the separatist region (Transnistria)

425. We need to mention that there is a series of problems regarding the organization of studies, education and leisure of children in the Eastern districts of the Republic of Moldova. Here, most of the pupils are not offered the opportunity to study in the official language. Also, kindergartens, schools, gymnasiums and high schools are not supplied with adequate teaching materials.

426. In this context, it is necessary to mention that the Tiraspol separatist regime imposed an abusive and discriminatory regime regarding the use of languages on localities over which it exercises its influence. An anti-constitutional law imposed by this regime in 1992 provides for the use of the Cyrillic alphabet for the Moldovan (Romanian) language. In 1994, in the eastern districts, teaching based on the use of the Latin alphabet was forbidden. About 35,000 children are denied the opportunity to study in the Romanian language, on the basis of the Latin alphabet in accordance with the education curricula of the Republic of Moldova. Only in 8 of the 77 educational institutions facing extremely great difficulties do children have the possibility of studying in the Romanian language, in conformity with the educational curricula of the Ministry of Education of the Republic of Moldova.

427. Through such methods, the Tiraspol regime promotes a policy of cultural isolation and of spiritual genocide against the native population. In these districts, there is no artistic or scientific literature published in the Moldovan (Romanian) language in the Latin alphabet. Children who complete their intermediate studies in localities under the authority of the Tiraspol anti-constitutional regime, confront major obstacles in pursuing university studies, as Moldovan schools that have Transnistria curricula are far from assuring an educational level compatible to that in the rest of the Republic of Moldova.

References

428. In the present report, documents and statistical data of the following governmental structures have been used: the Ministry of Foreign Affairs, the Ministry of Economy and Reform, the Ministry of Finance, the Ministry of Work, Social Protection and the Family, the Ministry of Health, the Ministry of Education and Science, the Ministry of Justice, the General Prosecutor's Office and the Department for Statistics and Sociological Analysis. Also, UNICEF, UNDP and UNHCR representatives in the Republic of Moldova have been consulted, as well as some non-governmental institutions: Save the Children, National Centre for the Prevention of Abuse against Children, Centre for Strategic Investigation and Reform.